

2022 No. 302

ENVIRONMENTAL PROTECTION

The Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) (Amendment) Regulations (Northern Ireland) 2022

Made - - - - - *6th December 2022*

Coming into operation *30th December 2022*

The Department of Agriculture, Environment and Rural Affairs, makes these Regulations in exercise of the powers conferred by Article 18A(1) of the Litter (Northern Ireland) Order 1994(a) and section 44(4) of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011(b) and now exercisable by it(c).

Citation and commencement

1. These regulations may be cited as the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) (Amendment) Regulations (Northern Ireland) 2022 and come into operation on 30th December 2022.

Amendment to the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations (Northern Ireland) 2012

2. The Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations (Northern Ireland) 2012(d) are amended in accordance with regulations 3 and 4.

Amendment of regulation 2 (Interpretation)

3. In regulation 2 after the definition of “the 2011 Act” insert ““the 2012 Regulations” means the Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations (Northern Ireland) 2012”(e).

Amendment of regulation 3 (Prescribed range of fixed penalties)

4.—(1) In paragraph (1)(a) omit “Article 6(6A)(a) of, and”.

(2) In paragraph (1)(b) omit “, 44(1)”.

(3) After paragraph (1)(b) insert—

“(c) section 44(1)(a) of the 2011 Act insofar as it relates to an offence under a Dog Control Order set out in Schedules 2 to 5 to the 2012 Regulations.”.

(a) S.I. 1994/1896 (N.I.10); Article 18A was inserted by section 22 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (2011 c. 23 (N.I.))

(b) 2011 c. 23 (N.I.)

(c) S.R.2016 No.76; see Article 8(1)(c) of the Departments (Transfer of Functions) Order (Northern Ireland) 2016

(d) S.R.2012 No. 35

(e) S.R.2012 No. 114

(4) After paragraph (1) insert—

“(1A) The amount of a fixed penalty capable of being specified by a district council for a fixed penalty under—

(a) Article 6(6A)(a) of the Litter Order;

(b) section 44(1)(a) of the 2011 Act insofar as it relates to an offence under a Dog Control Order set out in Schedule 1 to the 2012 Regulations,

shall be not less than £50 and not more than £200.”.

(5) In regulation 3(3) after “paragraph (1)” insert “, paragraph (1A)”.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 6th December 2022.



Dave Foster

A senior officer of the
Department of Agriculture, Environment and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations (Northern Ireland) 2012 (“the principal Regulations”).

Regulation 3 of the principal Regulations prescribe the ranges within which the amounts of certain fixed penalties that are capable of being specified by a district council are required to fall.

Regulation 3 of these Regulations inserts a definition of the Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations (Northern Ireland) 2012 into the principal Regulations.

Regulation 4 of these Regulations amends the principal Regulations to increase the range within which a district council may specify its own penalty amount under Article 6(6A)(a) of the Litter (Northern Ireland) Order 1994 for the offence of littering from between £50 and £80 to between £50 and £200.

Regulation 4 of these Regulations also amends the principal Regulations to increase the range within which a district council may specify its own penalty amount under section 44(1)(a) of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 for the offence of contravention of a dog control order relating to dog fouling from between £50 and £80 to between £50 and £200.

An impact assessment on the effect of these Regulations has not been prepared as they have no impact on the cost to business.

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