



2011 CHAPTER 23

PART 3

LITTER

*Offence of dropping litter*

**Offence of dropping litter in lake, pond or watercourse**

14.—(1) Article 3 of the [Litter \(Northern Ireland\) Order 1994 \(NI 10\)](#) (offence of dropping litter) shall be amended as follows.

(2) After paragraph (2) insert—

“(2A) A person may only give consent under paragraph (2) in relation to the depositing of litter in a lake, pond or watercourse if he is the owner, occupier or other person having control of—

- (a) all the land adjoining the lake, pond or watercourse; and
- (b) all the land through or into which water in that lake, pond or watercourse directly or indirectly discharges, otherwise than by means of a public sewer.

(2B) In paragraph (2A)—

“watercourse” has the same meaning as in Article 2(2) of the Drainage (Northern Ireland) Order 1973; and

“public sewer” has the same meaning as in Article 2(2) of the Water and Sewerage Services (Northern Ireland) Order 2006.”.

**Penalty for failing to provide name**

**15.—**(1) Article 5 of the [Litter \(Northern Ireland\) Order 1994 \(NI 10\)](#) (enforcement of Articles 3 and 4) shall be amended as follows.

(2) For paragraph (3) substitute—

“(3) A person commits an offence if—

- (a) he fails to give his name and address in response to a demand under paragraph (1), or
- (b) he gives a false or inaccurate name or address in response to a demand under that paragraph.

(3A) A person guilty of an offence under paragraph (3) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(3) In paragraph (5), after the words “In this Article—” insert—

““authorised officer” has the same meaning as in Article 6;”.

**Litter offence: fixed penalty notice**

**16.—**(1) Article 6 of the [Litter \(Northern Ireland\) Order 1994](#) (fixed penalty notices) shall be amended as follows.

(2) For paragraphs (6) and (7) substitute—

“(6) The fixed penalty payable in pursuance of a notice under this Article is payable to the district council whose authorised officer gave the notice.

(6A) The amount of a fixed penalty payable in pursuance of a notice under this Article—

- (a) is the amount specified by a district council in relation to its district, or
- (b) if no amount is so specified, is £75.

(7) A district council to which a fixed penalty is payable under this Article may make provision for treating it as having been paid if a lesser amount is paid before the end of a period specified by the council.”.

(3) After paragraph (8) insert—

“(8A) The Department shall prepare and issue, and may from time to time revise, a code of practice for the purpose of providing guidance on the giving by authorised officers of notices under this Article.

(8B) An authorised officer must have regard to the code of practice as for the time being in force in determining whether to give a person a notice under this Article.

(8C) A draft of the code of practice, or any revision of the code of practice, shall be laid before the Assembly.

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*Status: This is the original version (as it was originally enacted).*

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(8D) If, within the statutory period beginning with the day on which a copy of the draft is laid before the Assembly, the Assembly so resolves, no further proceedings shall be taken in relation to the draft but without prejudice to the laying before the Assembly of a new draft.”

- (4) In paragraph (9) after the words “In this Article—” insert—
- ““authorised officer”, in relation to a district council, means—
- (a) an employee of the district council who is authorised in writing by the council for the purpose of giving notices under this Article;
  - (b) any person who, in pursuance of arrangements made with the council, has the function of giving such notices and is authorised in writing by the council to perform that function; and
  - (c) any employee of such a person who is authorised in writing by the council for the purpose of giving such notices;”.