

Status: Point in time view as at 18/01/2012. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011, SCHEDULE 3. (See end of Document for details)

SCHEDULES

VALID FROM 01/04/2012

SCHEDULE 3

Section 77.

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

VEHICLES

*The Pollution Control and Local Government
(Northern Ireland) Order 1978 (NI 19)*

1 In Article 86—

- (a) in paragraph (1) at the beginning insert “ Subject to paragraph (1A), ”;
- (b) after paragraph (1) insert—

“(1A) An order under Article 29A(9) shall not be made unless a draft of the order has been laid before and approved by a resolution of the Assembly.”.

The Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2)

2 In Article 54(4)(c) after the words “the Pollution Control (Northern Ireland) Order 1978” insert “ or who has paid a fixed penalty notice under Article 29A(1) of that Order ”.

PART 2

LITTER

The Litter (Northern Ireland) Order 1994 (NI 10)

3.—(1) In Article 7(1) at the end of sub-paragraph (d) insert “ and ”.

(2) In Article 7(5) for “paragraph (1)(b) to (f)” substitute “ paragraph (1)(b) to (e) ”.

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- (3) In Article 11(1) at the end of sub-paragraph (d) insert “ or ”.
- (4) In Article 12(1) at the end of sub-paragraph (b) insert “ or ”.
- (5) In Article 15(1) after sub-paragraph (b) insert “and
 - (c) all orders made by the district council under paragraph 2(1) of Schedule 1A.”.
- (6) In Article 17(1)(b) after the words “Article 12(10)” insert “ or Article 12C(3) ”.
- (7) In Article 25—
 - (a) in paragraph (1) at the beginning insert “ Subject to paragraph (1A), ”;
 - (b) after paragraph (1) insert—
 - “(1A) An order under Article 18A(3) shall not be made unless a draft of the order has been laid before and approved by a resolution of the Assembly.”.

PART 3

STATUTORY NUISANCE

The Housing of the Working Classes Act 1885 (c. 72)

4 In section 9(1) for the words from “a nuisance within the meaning of section one hundred and seven” to the end substitute “ a statutory nuisance for the purposes of Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”.

The Public Health Acts Amendment Act 1907 (c. 53)

- 5** In section 35—
- (a) for the words “the Public Health (Ireland) Act, 1878” substitute “ Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”;
 - (b) for the words “nuisance within the meaning of the said Act” substitute “ statutory nuisance ”.

The Office and Shop Premises Act (Northern Ireland) 1966 (c. 26)

- 6** In section 72—
- (a) for paragraph (a) substitute—
 - “(a) Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (statutory nuisances);”;

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- (b) in paragraph (b) for the words “the said Act of 1878” substitute “ the Public Health (Ireland) Act 1878 ”.

The Hovercraft Act 1968 (c. 59)

7 In section 1(1)(g) for the words “or of Part III of the Pollution Control and Local Government (Northern Ireland) Order 1978” substitute “ or of Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”.

The Mines Act (Northern Ireland) 1969 (c. 6)

8 In section 129—

- (a) in subsection (2)—

(i) for the words “section 107 of the Public Health (Ireland) Act 1878” substitute “ Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”;

(ii) for the word “nuisance” substitute “ statutory nuisance ”;

(iii) for the words “that Act” substitute “ that Part ”;

- (b) in subsection (3) for the words “sections 107 to 127 of the Public Health (Ireland) Act 1878” substitute “ Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”.

*The Pollution Control and Local Government
(Northern Ireland) Order 1978 (NI 19)*

9.—(1) In Article 41(9) for the words “Article 39” substitute “ section 70 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”.

(2) In Article 45(8) for the words “Article 39” substitute “ section 70 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”.

- (3) For Article 54(2) substitute—

“(2) In determining whether an offence is a further offence against this Part, account shall be taken of any offence under section 65(9) of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 where the offence consists of contravening an abatement notice relating to noise and of any offence under section 70(10) of that Act where the prohibition relates to noise as if it were an offence against this Part.”.

- (4) In Article 65—

- (a) in paragraph (1)—

(i) for the words “sections 110 to 116 of the Public Health (Ireland) Act 1878” substitute “ Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”;

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- (ii) for the words “the said section 110” substitute “ section 65 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”;
- (b) in paragraph (4) for the words “sections 110 to 116 of the Public Health (Ireland) Act 1878” substitute “ Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”.
- (5) In Article 69(1) after the words “the Public Health Acts 1878 to 1967” insert “ or Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”.

The Clean Air (Northern Ireland) Order 1981 (NI 4)

10.—(1) In Article 25(5)—

- (a) for the words “7 or 23” in both places where they appear substitute “ or 7 ”;
- (b) for sub-paragraph (b) substitute—
 - “(b) Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011.”.

(2) In Article 40(2) for the words from the beginning to “have effect” substitute “ Paragraphs 2 to 4 of Schedule 2 to the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (power to enter premises) shall apply for the purposes of any functions conferred by this Order on district councils ”.

The Quarries (Northern Ireland) Order 1983 (NI 4)

11 In Article 10—

- (a) in paragraph (1)—
 - (i) for the words “section 107 of the Public Health (Ireland) Act 1878” substitute “ Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”;
 - (ii) for the word “nuisance” substitute “ statutory nuisance ”;
 - (iii) for the words “that Act” substitute “ that Part ”;
- (b) in paragraph (2)—
 - (i) for the words “sections 107 to 127 of the Public Health (Ireland) Act 1878” substitute “ Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”;
 - (ii) for the word “nuisance” wherever it occurs substitute “ statutory nuisance ”.

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The Housing (Northern Ireland) Order 1992 (NI 15)

12.—(1) In Article 74(1) for sub-paragraph (b) substitute—

“(b) in a notice served in respect of a dwelling-house under Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011.”.

(2) In Schedule 3 in paragraph 2(4) for the words “section 110 of the Public Health (Ireland) Act 1878” substitute “section 65 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011”.

The Radioactive Substances Act 1993 (c. 12)

13 In Schedule 3—

(a) in Part III for paragraph 18 substitute—

“**18** Sections 50, 51 and 58 of the Public Health (Ireland) Act 1878.”; and

(b) at the end add—

“**26** Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011.”.

The Noise Act 1996 (c. 37)

14.—(1) In section 10(7)—

(a) for the words “section 81(3) of the Environmental Protection Act 1990” substitute “section 67(5) of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011”;

(b) for the words “section 79(1)(g)” substitute “section 63(1)(i)”.

(2) In section 14(4)(h) omit sub-paragraphs (i), (ii), (iv) and (v).

(3) In the Schedule—

(a) in paragraph 1(a)(ii)—

(i) for the words “section 81(3) of the Environmental Protection Act 1990” substitute “section 67(5) of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011”;

(ii) for the words “section 80(4)” substitute “section 65(9)”;

(iii) for the words “section 79(1)(g)” substitute “section 63(1)(i)”;

(b) in paragraph 1(b) for the words “section 81(3) of the Environmental Protection Act 1990” substitute “section 67(5) of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011”.

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The Housing (Northern Ireland) Order 2003 (NI 2)

15 In Article 142(3)(b) for the words “section 110 of the Public Health (Ireland) Act 1878 (c. 52),” substitute “ section 65 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”.

The Private Tenancies (Northern Ireland) Order 2006 (NI 10)

16 In Article 36(8) for the words “section 110 of the Public Health (Ireland) Act 1878 (c. 52)” substitute “ Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 ”.

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