



2011 CHAPTER 23

PART 3

LITTER

Exclusion of liability for district councils

Exclusion of liability

23. In the Litter (Northern Ireland) Order 1994, after Article 18A (as inserted by section 22) insert—

“18B Exclusion of liability

(1) None of the persons mentioned in paragraph (2) shall have any liability to an occupier or owner of land for damages or otherwise (whether at common law or otherwise) arising out of anything done or omitted to be done in the exercise or purported exercise of the power in Article 12(10), 12A(9) or 12C(3).

(2) Those persons are—

- (a) a district council and any employee of a district council; and
- (b) in the case of the power in Article 12C(3), any person authorised by the district council under that provision and the employer or any employee of that person.

(3) Paragraph (1) does not apply—

- (a) if the act or omission is shown to be in bad faith;
- (b) to liability arising out of a failure to exercise due care and attention;

(c) so as to prevent an award of damages in respect of an act or omission on the ground that the act or omission was unlawful by virtue of section 6(1) of the Human Rights Act 1998.

(4) This Article does not affect any other exemption from liability (whether at common law or otherwise).”