

SCHEDULES

SCHEDULE 1

Article 19.

ABANDONED SHOPPING AND LUGGAGE TROLLEYS

Application

1.—(1) Subject to sub-paragraph (2), this Schedule applies where any shopping or luggage trolley is found by an authorised officer on any land in the open air and appears to him to be abandoned.

(2) This Schedule does not apply in relation to a shopping or luggage trolley found on the following descriptions of land, that is to say—

- (a) land in which the owner of the trolley has an estate;
- (b) where an off-street parking place affords facilities to the customers of shops for leaving there shopping trolleys used by them, land on which those facilities are afforded;
- (c) where any other place designated by the district council for the purposes of this Schedule affords like facilities, land on which those facilities are afforded; and
- (d) as respects luggage trolleys, land which is used for the purposes of its undertaking by a statutory undertaker.

Power to seize and remove trolleys

2.—(1) Where this Schedule applies in relation to a shopping or luggage trolley, the district council may, subject to sub-paragraph (2),—

- (a) seize the trolley; and
- (b) remove it to such place under its control as the council thinks fit.

(2) When a shopping or luggage trolley is found on any land appearing to the authorised officer to be occupied by any person, the trolley shall not be removed without the consent of that person unless—

- (a) the council has served on that person a notice stating that the council proposes to remove the trolley; and
- (b) no notice objecting to its removal is served by that person on the council within the period of 14 days from the day on which the council served the notice of the proposed removal on him.

Retention, return and disposal of trolleys

3.—(1) Subject to the following sub-paragraphs, the district council, as respects any shopping or luggage trolley it has seized and removed—

- (a) shall keep the trolley for a period of 6 weeks; and
- (b) may sell or otherwise dispose of the trolley at any time after the end of that period.

(2) The council shall, as respects any trolley it has seized or removed, as soon as reasonably practicable (but not later than 14 days) from its removal, serve on the person (if any) who appears to the council to be the owner of the trolley a notice stating—

Status: This is the original version (as it was originally made).

- (a) that the council has removed the trolley and is keeping it;
- (b) the place where it is being kept; and
- (c) that, if it is not claimed, the council may dispose of it.

(3) Subject to sub-paragraph (4), if, within the period mentioned in sub-paragraph (1)(a), any person claims to be the owner of a shopping or luggage trolley being kept by the council under that sub-paragraph, the council shall, if it appears that the claimant is the owner, deliver the trolley to him.

(4) A person claiming to be the owner of a shopping or luggage trolley shall not be entitled to have the trolley delivered to him unless he pays the council, on demand, such charge as the council requires.

(5) No shopping or luggage trolley shall be disposed of by the council unless (where it has not been claimed) the council has made reasonable enquiries to ascertain who owns it.

Charges

4.—(1) The district council, in fixing the charge to be paid under paragraph 3 by the claimant of a shopping or luggage trolley, shall secure that the charges so payable by claimants shall be such as are sufficient, taking one financial year with another, to cover the cost of removing, storing and disposing of such trolleys under this Schedule.

(2) The council may agree with persons who own shopping or luggage trolleys and make them available for use in its district a scheme for the collection by them of trolleys they make available for use; and where such an agreement is in force with any person, no charge may be demanded under paragraph 3 by the council in respect of any trolley within the scheme in relation to which the provisions of the scheme are complied with.

Definitions

5. In this Schedule—

“luggage trolley” means a trolley provided by a person carrying on an undertaking mentioned in paragraph 1(2)(d) to travellers for use by them for carrying their luggage to, from or within the premises used for the purposes of that undertaking, not being a trolley which is power-assisted; and

“shopping trolley” means a trolley provided by the owner of a shop to customers for use by them for carrying goods purchased at the shop, not being a trolley which is power-assisted.

SCHEDULE 2

Article 26.

REPEALS

Chapter or Number	Short title	Extent of repeal
1978 NI 19.	Pollution Control and Local Government (Northern Ireland) Order 1978.	Articles 25 to 28. In Article 33, in paragraph (1) the words “28 or”; in paragraph (4) the words “28 or”; in paragraph (5)(a) the words “place or, as the case may be, the”; in paragraph (5)(b) the words “place or, as the case may be, the” and in

Chapter or Number	Short title	Extent of repeal
		paragraph (5)(c) the words “place (being private land) or, as the case may be, the”.
		In Article 36(1) the definition of “litter”.
		In Article 84(3) the words “28 or”.
1983 NI 8.	Dogs (Northern Ireland) Order 1983.	Article 35(1)(f).
1985 NI 15.	Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985.	In Schedule 3, paragraph 22.