STATUTORY RULES OF NORTHERN IRELAND

2012 No. 35

ENVIRONMENTAL PROTECTION

The Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations (Northern Ireland) 2012

Made - - - -	*7th February 2012*
Coming into operation	*1st April 2012*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by Article 29A(11) of the Pollution Control and Local Government (Northern Ireland) Order 1978(**1**), Article 18A(1) of the Litter (Northern Ireland) Order 1994(**2**), section 8A(5) of the Noise Act 1996(**3**) and sections 4(11), 27(3), 44(4) and 53(4) of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011(**4**).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations (Northern Ireland) 2012 and shall come into operation on 1st April 2012.

(2) These Regulations apply in relation to a fixed penalty offence alleged to have been committed on or after 1st April 2012.

Interpretation

2. In these Regulations—

"the Department" means the Department of the Environment;

"the 1978 Order" means the Pollution Control and Local Government (Northern Ireland) Order 1978;

"the Noise Act" means the Noise Act 1996;

"the Litter Order" means the Litter (Northern Ireland) Order 1994;

"the 2011 Act" means the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011.

(**1**) S.I. 1978/1049 (N.I.19); Article 29A was inserted by section 7 of the 2011 Act.
(**2**) S.I. 1994/1896 (N.I.10); Article 18A was inserted by section 22 of the 2011 Act.
(**3**) 1996 c.37; section 8A(5) was inserted by section 61(2) of the 2011 Act.
(**4**) 2011 c. 23 (N.I.).

Prescribed ranges of fixed penalties

3.—(1) 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, and paragraph 7(4)(a) of Schedule 1A to, the Litter Order;

(b) sections 27(1), 44(1) and 53(2) of the 2011 Act,

shall be not less than £50 and not more than £80.

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

(a) Article 14A(4)(a) of the Litter Order;

(b) section 8A(2)(a) of the Noise Act,

shall be not less than £75 and not more than £110.

(3) A district council acting under more than one of the provisions in paragraph (1) or in paragraph (2) may specify a different amount under each such provision.

Lesser amounts of fixed penalties

4.—(1) Where a district council acting under—

(a) Article 6(7) of, and paragraph 7(5) of Schedule 1A to, the Litter Order(**5**); or

(b) sections 27(2), 44(3) or 53(3) of the 2011 Act,

makes provision for treating a fixed penalty as having been paid if a lesser amount is paid before the end of a period specified by that council, such lesser amount shall be not less than £40.

(2) Where a district council acting under—

(a) Article 14A(5) of the Litter Order(**6**);

(b) section 8A(4) of the Noise Act(**7**); or

(c) section 4(10) of the 2011 Act,

makes provision for treating a fixed penalty as having been paid if a lesser amount is paid before the end of a period specified by that council, such lesser amount shall be not less than £60.

(3) Where a district council acting under Article 29A(10) of the 1978 Order(**8**) makes provision for treating a fixed penalty as having been paid if a lesser amount is paid before the end of a period specified by that council, such lesser amount shall be not less than £120.

(4) A district council acting under more than one of the provisions in paragraph (1) or in paragraph (2) may specify a different lesser amount under each such provision.

Revocation

5. The Litter (Fixed Penalty Notices) Regulations (Northern Ireland) 1995(**9**) are revoked.

(**5**) Article 6(7) and Schedule 1A were respectively inserted by sections 16(2) and 21(3) of the 2011 Act.
(**6**) Article 14A was inserted by section 20 of the 2011 Act.
(**7**) Section 8A was inserted by section 61(2) of the 2011 Act.
(**8**) Article 29A was inserted by section 7 of the 2011 Act.
(**9**) S.R. 1995 No. 17.