STATUTORY RULES OF NORTHERN IRELAND

2012 No. 13 (C. 2)

ENVIRONMENTAL PROTECTION

The Clean Neighbourhoods and Environment (2011 Act) (Commencement, Savings and Transitional Provisions) Order (Northern Ireland) 2012

Made - - - - 18th January 2012

The Department of the Environment makes this Order in exercise of the powers conferred by sections 75(1) and 78 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011(**1**).

Citation and interpretation

1.—(1) This Order may be cited as the Clean Neighbourhoods and Environment (2011 Act) (Commencement, Savings and Transitional Provisions) Order (Northern Ireland) 2012.

(2) In this Order—

"the 1978 Order" means the Pollution Control and Local Government (Northern Ireland) Order 1978 (**2**);

"the 1994 Order" means the Litter (Northern Ireland) Order 1994(**3**);

"the 1997 Order" means the Road Traffic Regulation (Northern Ireland) Order 1997(**4**);

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

"prescribed place" means a place prescribed in the Dog Fouling (Prescription of Places) Regulations (Northern Ireland) 1995(**5**).

Appointed days

2.—(1) The day appointed for the coming into operation of the provisions of the 2011 Act specified in the first column of Schedule 1 (where applicable, to the extent specified in the second column of that Schedule) is 18th January 2012.

(**1**) 2011 c. 23 (N.I.)
(**2**) S.I. 1978/1049 (N.I. 19)
(**3**) S.I. 1994/1896 (N.I. 10)
(**4**) S.I. 1997/276 (N.I. 2)
(**5**) S.R. 1995 No. 236

(2) The day appointed for the coming into operation of the provisions of the 2011 Act specified in the first column of Schedule 2 (where applicable, to the extent specified in the second column of that Schedule) is 1st April 2012.

Savings: Litter (Northern Ireland) Order 1994 (dogs)

3.—(1) Subject to paragraph (2) and notwithstanding its repeal by section 77 of, and Part 3 of Schedule 4 to, the 2011 Act, Article 4 of the 1994 Order continues, in respect of any place which is a prescribed place before midnight on 31st March 2012, to have effect.

(2) Any place which is a prescribed place before midnight on 31st March 2012 ceases to be a prescribed place after midnight on 31st March 2012 to the extent that a dog control order (whether or not it relates to the fouling of land by dogs) made under section 40 of the 2011 Act applies in respect of it.

(3) In respect of the continued effect of Article 4 of the 1994 Order—

(a) Article 5 of the 1994 Order continues to have effect in relation to an offence under Article 4 of that Order as if the amendments made to Article 5 by section 15 of the 2011 Act and the repeal of the definition of "authorised officer" in Article 2(2) of the 1994 Order by section 77 of, and Part 2 of Schedule 4 to, the 2011 Act had not been made;

(b) Article 6 of the 1994 Order continues to have effect in relation to an offence under Article 4 of that Order as if the amendments made to Article 6 by section 16 of the 2011 Act and the repeal of the definition of "authorised officer" in Article 2(2) of the 1994 Order by section 77 of and Part 2 of Schedule 4 to the 2011 Act had not been made; and

(c) notwithstanding their repeal by Part 3 of Schedule 4 to the 2011 Act—

(i) the words "or 4" in Article 5(1) and (4) of the 1994 Order;

(ii) the words "or, as the case may be, Article 4" in Article 6(1) of that Order; and

(iii) the words "or 4" in paragraph 2(4)(d) of Schedule 2A to the Police (Northern Ireland) Act 2003(**6**),

continue to have effect.

Transitional provisions: Road Traffic Regulation (Northern Ireland) Order 1997

4.—(1) The amendments made to the 1997 Order by—

(a) section 11 (which amends Articles 48 and 49 of the 1997 Order);

(b) section 12 (which amends Article 51 of the 1997 Order); and

(c) section 13 (which amends Article 52 of the 1997 Order),

of the 2011 Act do not have effect in relation to the operation of Articles 48, 49, 51 and 52 of the 1997 Order in respect of a vehicle described in paragraph (2).

(2) A vehicle to which this Article applies is either—

(a) one on a road to which a constable has, before midnight on 31st March 2012, affixed a notice under Article 48(4) of the 1997 Order; or

(b) one on a public road to which the Department has, before midnight on 31st March 2012, affixed a notice under Article 49(4) of the 1997 Order.

(3) For the purposes of this Article, "constable" and "the Department" have the meanings given by Article 2(2) of the 1997 Order.

(**6**) 2003 c. 6; Schedule 2A was inserted by S.I. 2007/912 (N.I. 6)

Sealed with the Official Seal of the Department of the Environment on 18th January 2012.

L.S.

Wesley Shannon
A senior officer of the Department of the Environment