STATUTORY RULES OF NORTHERN IRELAND

1996 No. 22

PUBLIC HEALTH

The Litter (Statutory Undertakers) (Designation and Relevant Land) Order (Northern Ireland) 1996

Made - - - -	*31st January 1996*
Coming into operation	*1st March 1996*

The Department of the Environment, in exercise of the powers conferred on it by Article 2(2) and (3) of the Litter (Northern Ireland) Order 1994(**1**) and of every other power enabling it in that behalf, hereby makes the following order:

Citation and commencement

1. This Order may be cited as the Litter (Statutory Undertakers) (Designation and Relevant Land) Order (Northern Ireland) 1996 and shall come into operation on 1st March 1996.

Interpretation

2.—(1) In this order—

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

"operational land" means—

(a) in relation to any person authorised by any enactment to carry on a railway, land required or used for the operation of rail services,

(b) in relation to any other designated statutory undertaker—

(i) land which is used for the purpose of carrying on their undertaking; and

(ii) land in which an interest is held for that purpose, but does not include land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings.

(2) For the purposes of Article 4, land is in an urban area if it is surrounded by, or adjoins for a continuous distance of not less than one kilometre, built-up sites (other than sites used for horticultural or agricultural purposes) on which there are permanent structures, and—

(**1**) S.I.1994/1896 (N.I. 10); *see* Article 2(2) for the definition of "the Department"

(a) for the purpose of determining whether any distance is continuous, any gap between built-up sites of 50 metres or less shall be disregarded,

(b) roads, navigable rivers and operational land which is not relevant land—

(i) shall not be treated as built-up sites for the purposes of determining whether or not land is in an urban area,

(ii) shall be ignored for the purposes of determining whether or not land adjoins built-up sites.

Designation of statutory undertakers

3. The Department hereby designates the following statutory undertakers for the purposes of the Litter Order—

(a) Northern Ireland Railways Company Limited

(b) Ulsterbus and Citybus

(c) Belfast Harbour Commissioners

(d) Coleraine Harbour Commissioners

(e) Londonderry Port and Harbour Commissioners

(f) Warrenpoint Harbour Authority

(g) Larne Harbour Limited

(h) The Northern Ireland Fishery Harbour Authority in relation to the harbours at Ardglass, Kilkeel and Portavogie

(i) Belfast International Airport Limited

(j) Belfast City Airport Limited

(k) The Northern Ireland Housing Executive(**2**).

Specified land of statutory undertakers

4.—(1) For the purposes of the Litter Order, land—

(a) which is under the direct control of a designated statutory undertaker,

(b) in relation to which the public have no right or permission to have access with or without payment, and

(c) which is within the description in paragraph (2) but not within the description in paragraph (3),

is specified as relevant land of the designated statutory undertaker under whose control it is.

(2) The land described in this paragraph is operational land which is within 100 metres of a railway station platform to which the public is entitled or permitted to have access with or without payment and any other land which is not so situated but is land in an urban area, being in either case land which—

(a) forms an embankment, cutting, siding, level or junction, but is not part of a depot, goods yard, or enclosed area where plant and machinery is kept, or

(b) is within the rails or on the tracksides, but is not within a tunnel, or

(c) is on a viaduct or bridge.

(3) The land described in this paragraph is land below the place to which the tide flows at mean high water springs.

(**2**) The Northern Ireland Housing Executive was prescribed as a statutory undertaker by S.R. 1994 No. 449