

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(a).

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 (b);

“the 1994 Order” means the Litter (Northern Ireland) Order 1994(c);

“the 1997 Order” means the Road Traffic Regulation (Northern Ireland) Order 1997(d);

“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(e).

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.

(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.

(a) 2011 c. 23 (N.I.)
(b) S.I. 1978/1049 (N.I. 19)
(c) S.I. 1994/1896 (N.I. 10)
(d) S.I. 1997/276 (N.I. 2)
(e) S.R. 1995 No. 236

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(a),

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.

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



Wesley Shannon
A senior officer of the Department of the Environment

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

SCHEDULE 1

Article 2(1)

Provisions coming into operation on 18th January 2012

<i>Provisions of the 2011 Act commenced</i>	<i>Extent of Commencement</i>
Section 4	For the purposes of enabling regulations to be made by the Department under section 4(11)
Section 7	For the purposes of enabling regulations to be made by the Department under Article 29A(11) of the 1978 Order
Section 8	For the purposes of enabling regulations to be made by the Department under Article 30(2) of the 1978 Order
Section 12(4)	For the purposes of enabling regulations to be made by the Department for Regional Development under Article 51(2)(c)(ii) of the 1997 Order
Section 13(4)	For the purposes of enabling regulations to be made by the Department for Regional Development under Article 52(2)(c)(ii) of the 1997 Order
Section 16(1) and (3)	Section 16(1) is commenced only to the extent necessary for the commencement of section 16(3) for the purposes of enabling a code of practice to be prepared, issued and revised and a draft or revision of the code to be laid before the Assembly by the Department under Article 6(8A), (8C) and (8D) of the 1994 Order and for the purposes of authorised officers having regard to the code under Article 6(8B) of the 1994 Order
Section 22	For the purposes of enabling regulations to be made by the Department under Article 18A of the 1994 Order
Section 27	For the purposes of enabling regulations to be made by the Department under section 27(3) and (4)
Section 30	For the purposes of enabling guidance to be issued by the Department under section 30(1)
Section 33	For the purposes of enabling guidance to be issued by the Department under section 33(1)
Section 40	For the purposes of enabling regulations to be made by the Department under section 40(4) and (5)
Section 41	For all the purposes of that section
Section 42	For the purposes of enabling orders to be made by the Department under section 42(3) and (4)
Section 44	For the purposes of enabling regulations to be made by the Department under section 44(4) and (5)
Section 53	For the purposes of enabling regulations to be made by the Department under section 53(4) and (5)
Section 59	For all the purposes of that section
Section 61	For the purposes of enabling regulations to be made by the Department under section 8A(5) and (6) of the Noise Act 1996(a)
Section 63	For the purposes of enabling regulations to be made by the Department under section 63(11)(d)
Section 65	For the purposes of enabling orders to be made by the Department under section 65(15)
Section 67 and Schedule 2	For the purposes of enabling regulations to be made by the Department under paragraph 1(4) of Schedule 2

(a) 1996 (c. 37)

SCHEDULE 2

Article 2(2)

Provisions coming into operation on 1st April 2012

<i>Provisions of the 2011 Act commenced</i>	<i>Extent of Commencement</i>
Sections 1, 2 and 3	
Section 4	In so far as not already in operation
Sections 5 and 6	
Section 7	In so far as not already in operation
Section 8	In so far as not already in operation
Sections 9, 10 and 11	
Section 12	In so far as not already in operation
Section 13	In so far as not already in operation
Sections 14 and 15	
Section 16	In so far as not already in operation
Sections 17, 18, 19, 20 and 21	
Section 22	In so far as not already in operation
Sections 23, 24, 25 and 26	
Section 27	In so far as not already in operation
Sections 28 and 29	
Section 30	In so far as not already in operation
Sections 31 and 32	
Section 33	In so far as not already in operation
Sections 34, 35, 36, 37, 38 and 39	
Section 40	In so far as not already in operation
Section 42	In so far as not already in operation
Section 43	
Section 44	In so far as not already in operation
Sections 45, 46, 47, 48, 49, 50, 51 and 52	
Section 53	In so far as not already in operation
Sections 54, 55, 56, 57 and 58	
Section 60	
Section 61	In so far as not already in operation
Section 62	
Section 63	In so far as not already in operation
Sections 64	
Section 65	In so far as not already in operation
Section 66	
Section 67	In so far as not already in operation
Sections 68, 69, 70, 71, 72, 73 and 74	
Section 77	
Schedule 1	
Schedule 2	In so far as not already in operation
Schedules 3 and 4	

EXPLANATORY NOTE

(This note is not part of the Order)

The Department is exercising the power conferred by sections 75(1) and 78 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (“the 2011 Act”) for the first time. This Order brings the provisions of the 2011 Act listed in Schedule 1 into operation on 18th January 2012 and the provisions listed in Schedule 2 into operation on 1st April 2012.

Article 3 makes savings under which Article 4 (offence of permitting dogs to foul) of the Litter (Northern Ireland) Order 1994 continues to apply in respect of places that are “prescribed places” under the Dog Fouling (Prescription of Places) Regulations (Northern Ireland) 1995 before midnight on 31st March 2012.

Article 3 also provides that where any type of dog control order is made that applies to land already subject to Article 4 of the Litter (Northern Ireland) Order 1994 (“the 1994 Order”), that Article 4 of the 1994 Order ceases to have effect in respect of the land subject to the dog control order.

Article 4 contains transitional provisions requiring that a vehicle on a road, in respect of which a constable has affixed a notice under Article 48(4) of the Road Traffic Regulation (Northern Ireland) Order 1997 or on a public road in respect of which the Department for Regional Development has affixed a notice under Article 49(4) of that Order, in either case before midnight on 31st March 2012, continues to be dealt with in accordance with Articles 48, 49, 51 and 52 of that Order as those Articles applied before the coming into operation of sections 11, 12 and 13 of the 2011 Act.

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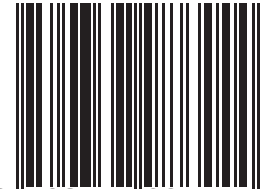
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£4.00

N5196 01/2012 425196T 19585

ISBN 978-0-337-98644-4



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