



## Local Nuisance and Litter Control Act 2016 Continuing Offences

The *Local Nuisance and Litter Control Act 2016* (the Act) was developed to improve local nuisance and litter management regulation within the community. As a statutory instrument, it provides penalties for contravention (offences), some of which are expiable and some for which the penalties are determined by a Court. The Act also provides deterrent mechanisms to deal with continuing offences which carry additional financial penalties.

### What is a Continuing Offence?

For the purpose of this Act, a continuing offence is a continuance or persistence of a previously identified offence (i.e. unlawful act), or a failure to act to remediate or mitigate a potential offence when directed to do so by an Authorised Officer or by a notice issued under the Act. For example, allowing premises to continue to exhibit insanitary conditions - despite being instructed by an Authorised Officer either orally or by way of a written notice to improve such conditions – is likely to be considered as a continuing offence.

### What are the penalties with regard to Continuing Offences?

In addition to any penalty that might be applicable to a particular offence, under the continuing offences provisions in Section 47 of the Act, a person will also be liable to an additional penalty for each day that the act or omission continues to occur. The amount of the daily penalty will be equal to no more than one fifth of the maximum penalty for the offence in question.

However, if the act or omission continues after a person is convicted of the offence then the person is guilty of a further offence against that provision and will also be liable to incur a daily penalty if the act or omission continues to occur.

### More information

This Information Sheet is one of a range designed to increase your awareness and understanding of the requirements of the *Local Nuisance and Litter Control Act 2016*. Please see other Information Sheets for further information about the Act.

### Disclaimer

*This publication is a guide only and will not necessarily provide adequate information relevant to every situation. Whilst it seeks to explain your possible obligations in a helpful and accessible way, it is likely that some detail may not be captured. It is important, therefore, that where necessary you make your own determination as to whether you should seek legal advice.*