

Status: Point in time view as at 18/10/2005.

Changes to legislation: Clean Neighbourhoods and Environment Act 2005 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

VALID FROM 14/03/2006

SCHEDULE 1 **E+W**

Section 84

APPLICATION OF THE NOISE ACT 1996 TO LICENSED PREMISES ETC
.....

VALID FROM 01/01/2006

SCHEDULE 2 **E+W**

Section 87

COMMISSION FOR ARCHITECTURE AND THE BUILT ENVIRONMENT
.....

VALID FROM 01/01/2006

SCHEDULE 3 **E+W**

Section 92

TRANSFER OF STAFF, PROPERTY ETC FROM THE OLD COMMISSION
.....

SCHEDULE 4 **E+W**

Section 106

MINOR AND CONSEQUENTIAL AMENDMENTS

Highways Act 1980 (c. 66)

- 1 In section 325 of the Highways Act 1980, in subsection (2)(a), after “subsection (2A) below” insert “or regulations made by the National Assembly for Wales under Part 8A ”.

Environmental Protection Act 1990 (c. 43)

- 2 The Environmental Protection Act 1990 is amended as follows.

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VALID FROM 06/04/2006

- 3 (1) Section 52 is amended as follows.
- (2) After subsection (4) insert—
- “(4A) The Secretary of State may by regulations impose on waste disposal authorities in England a duty to make payments corresponding to the payments which are authorised by subsection (3)(a) above to such persons in such circumstances and in respect of such descriptions or quantities of waste as are specified in the regulations.”
- (3) In subsection (5)—
- (a) after “authorities” insert “ in Wales ”; and
- (b) for “subsection (3)” substitute “ subsection (3)(b) ”.
- (4) In subsection (6), for “subsections (1), (3)” substitute “ subsections (1)(b), (3)(b) ”.
- (5) In subsection (7), for “subsections (2) and (4)” substitute “ subsections (2)(b) and (4)(b) ”.
- (6) In subsection (8), for “subsections (1), (2), (3), (4)” substitute “ subsections (1)(b), (2)(b), (3)(b), (4)(b) ”.
- 4 In section 60(1)—
- (a) in paragraph (a), for the words from “a waste disposal contractor” to the end substitute “ or under arrangements made with a waste disposal authority or by any other local authority or person ”;
- (b) in paragraph (b), for the words from “a waste disposal contractor” to the end substitute “ or under arrangements made with a waste disposal authority, by a parish or community council or by a holder of a waste management licence; or ”.

Commencement Information

II Sch. 4 para. 4 in force at 18.10.2005 for E. by S.I. 2005/2896, art. 3(i)

VALID FROM 06/03/2007

- 5 In section 89(1), at the end of paragraph (e) insert “ and ”.

VALID FROM 06/03/2007

- 6 In section 91(1), at the end of paragraph (e) insert “ or ”.

VALID FROM 06/03/2007

- 7 In section 92(1), at the end of paragraph (b) insert “ or ”.

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VALID FROM 06/03/2007

- 8 In section 95(1), after paragraph (b) insert “and
(c) all orders made by the authority under paragraph 2(1) of Schedule 3A.”

VALID FROM 06/03/2007

- 9 In section 96(1)(b), after “section 92(9)” insert “ or 92C(3) ”.

- 10 (1) Section 161 is amended as follows.
(2) In subsection (1) after “Secretary of State” insert “ , National Assembly for Wales ”.
(3) After subsection (2), insert—
“(2A) Subsection (2) does not apply to a statutory instrument made solely by the National Assembly for Wales.”
(4) In subsection (4), at the end insert “or
(c) which is made solely by the National Assembly for Wales.”

Control of Pollution (Amendment) Act 1989 (c. 14)

- 11 (1) Section 8 of the Control of Pollution (Amendment) Act 1989 is amended as follows.
(2) In subsection (1), after “regulations” insert “ or orders ”.
(3) After that subsection insert—
“(1A) The powers of the National Assembly for Wales to make regulations or orders under sections 5 to 5C above are exercisable by statutory instrument.”
(4) In subsection (2)—
(a) after “Regulations” insert “ or orders ”;
(b) in paragraph (a) for “Secretary of State” substitute “ person making the regulations or order ”.

Anti-social Behaviour Act 2003 (c. 38)

- 12 The Anti-social Behaviour Act 2003 is amended as follows.
13 In section 41(3), in the definition of “temporary event notice” for “section 170(6)” substitute “ section 171(6) ”.

VALID FROM 06/03/2007

- 14 In section 45, for subsection (1) substitute—
“(1) The fixed penalty payable in pursuance of a notice under section 43(1) is payable to the local authority whose authorised officer gave the notice.”

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VALID FROM 06/03/2007

15 In section 47(1), after “sections 43” insert “ to 43B ”.

VALID FROM 06/03/2007

16 In the cross-heading preceding section 48, after “graffiti” insert “ and fly-posting ”.

VALID FROM 06/03/2007

17 (1) Section 48 is amended as follows.

(2) In the heading, for “Graffiti removal notices” substitute “ Defacement removal notices ”.

(3) In subsections (2) and (6), for “graffiti removal notice” substitute “ defacement removal notice ”.

(4) In subsection (7), for “graffiti removal notices” substitute “ defacement removal notices ”.

(5) In subsection (8)(a), for “graffiti removal notice” substitute “ defacement removal notice ”.

(6) In subsection (12), for ““graffiti removal notice”” substitute ““defacement removal notice””.

(7) In that subsection, in the definition of “local authority”, at the end insert “ but not a parish or community council ”.

VALID FROM 06/03/2007

18 In sections 49(1) and 51(1) and (3), for “graffiti removal notice” substitute “ defacement removal notice ”.

VALID FROM 06/03/2007

19 In the heading to section 52, for “graffiti removal notices” substitute “ defacement removal notices ”.

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SCHEDULE 5 **E+W**

Section 107

REPEALS

PART 1 **E+W**

VEHICLES

Commencement Information

I2 Sch. 5 Pt. 1 in force for certain purposes at 7.6.2005, see s. 108(4)

I3 Sch. 5 Pt. 1 in force at 18.10.2005 for specified purposes for E. by [S.I. 2005/2896](#), [art. 3\(j\)](#)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Refuse Disposal (Amenity) Act 1978 (c. 3)	In section 3— (a) subsection (5); (b) in subsection (8), the words from “, other than” to “subsection (5) above.” In section 4— (a) in subsection (1), the words from “but not earlier” to the end; (b) subsection (2).
Greater London Council (General Powers) Act 1982 (c.i)	Section 5.
Road Traffic Regulation Act 1984 (c. 27)	Section 99(4). In section 101(3)— (a) in paragraph (a), the words from “and on which” to “at the time of its removal”; (b) the words from “but, in a case” to the end.
London Local Authorities Act 2004 (c. i)	Section 3. Section 11.

VALID FROM 06/04/2006

PART 2 **E+W**

LITTER AND REFUSE

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Environmental Protection Act 1990 (c. 43)	Section 86(12). Section 89(1)(g) and the preceding “and”. Section 90. Section 91(1)(g) and the preceding “or”. In section 92—

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	(a) subsection (1)(d) and the preceding “or”;
	(b) subsection (3)(d).
	In section 94(3), the words from “but a specified area” to the end.
	Section 95(1)(a).
London Local Authorities Act 1994 (c. xii)	Section 4.
City of Newcastle upon Tyne Act 2000 (c. viii)	Sections 21 and 22.

PART 3 **E+W**

GRAFFITI AND OTHER DEFACEMENT

Commencement Information

I4 Sch. 5 Pt. 3 is partly in force; Sch. 5 Pt. 3 in force for certain purposes at 7.6.2005, see s. 108(4)

Short title and chapter

Extent of repeal

Town and Country Planning Act 1990 (c. 8)	Section 324(3)(a).
London Local Authorities Act 1995 (c. x)	Section 10.
Anti-social Behaviour Act 2003 (c. 38)	Section 43(10) and (11).
London Local Authorities Act 2004 (c. i)	Section 25.

PART 4 **E+W**

WASTE

Commencement Information

- I5** Sch. 5 Pt. 4 in force at 18.10.2005 for specified purposes for E. by S.I. 2005/2896, art. 3(k) (with art. 6) (as amended by S.I. 2006/1002, art. 2)
- I6** Sch. 5 Pt. 4 in force for certain purposes at 7.6.2005, see s. 108(4)

Short title and chapter

Extent of repeal

Control of Pollution (Amendment) Act 1989 (c. 14)	Section 1(4)(c) and the preceding “or”. In section 2—
	(a) in subsection (2)(c), the words “free of charge”;
	(b) subsection (2)(d);
	(c) in subsection (2)(e), the words “free of charge”;
	(d) subsection (3)(b);

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	(e) subsection (3A)(a). Section 6.
Environmental Protection Act 1990 (c. 43)	Section 30(5). Section 32. Section 33(7)(b). In section 48— (a) in subsection (4), the words “with a waste disposal contractor” and “for the contractor”; (b) in subsection (6), the words “, subject to subsection (7) below,”; (c) subsection (7). In section 51— (a) in subsection (1), the words from “in either case” to the end; (b) subsection (4)(b) to (d); (c) subsections (5) and (6). In section 55(2)(a) and (b), the words “with waste disposal contractors for them”. In section 60(2)(a) and (b), the word “, contractor”. In section 77— (a) in subsection (1), the definitions of “existing disposal authority”, “existing disposal plan”, “relevant part of its undertaking” and “the vesting date”; (b) subsection (4); (c) subsections (6) to (9). Schedule 2.

VALID FROM 06/04/2006

PART 5 **E+W**

DOG CONTROLS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Dogs (Fouling of Land) Act 1996 (c. 20)	The whole Act.
Police Reform Act 2002 (c. 30)	In Schedule 4, paragraph 1(2)(c). In Schedule 5, paragraph 1(2)(b).

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VALID FROM 06/04/2008

PART 6 **E+W**

STRAY DOGS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Dogs Act 1906 (c. 32)	Sections 3 and 4.
Dogs (Amendment) Act 1928 (c. 21)	Section 2.
Local Government Act 1988 (c. 9)	Section 39.
Environmental Protection Act 1990 (c. 43)	In the heading to section 150, the words “police or”. In section 150— (a) in subsection (1), in paragraph (b), sub-paragraph (ii) and the preceding “or”; (b) in that subsection, the words from “or the police officer” to “as the case may be.”. In Schedule 15, paragraph 3.

VALID FROM 06/04/2006

PART 7 **E+W**

NOISE

<i>Short title and chapter</i>	<i>Extent of repeal</i>
London Local Authorities Act 1991 (c. xiii)	Section 23.
Noise and Statutory Nuisance Act 1993 (c. 40)	Section 9. Schedule 3.
Noise Act 1996 (c. 37)	In the heading to section 2, the words “from a dwelling”. Section 8(8). Section 9(3). In section 9(4A), the word “and” at the end of paragraph (a).

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PART 8 **E+W**

ARCHITECTURE AND THE BUILT ENVIRONMENT

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Environmental Protection Act 1990	In section 153(1), the paragraph (rr) inserted by article 2 of the Financial Assistance for Environmental Purposes (England) Order 2003 (S.I. 2003/714).

VALID FROM 06/04/2006

PART 9 **E+W**

USE OF FIXED PENALTY RECEIPTS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Local Government Act 2003 (c. 26)	Section 100(2)(f). Section 119.
Anti-social Behaviour Act 2003 (c. 38)	Section 45(3) to (9).

VALID FROM 04/08/2006

PART 10 **E+W**

CONTAMINATED LAND

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Environmental Protection Act 1990 (c. 43)	In section 78L— (a) in subsection (4), paragraph (b) and, in paragraph (c), the words from “or on” to the end; (b) in subsection (6), the words “, so far as relating to appeals to the Secretary of State,”.

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