

*Status: Point in time view as at 04/08/2006. This version of this schedule contains provisions that are not valid for this point in time.*

*Changes to legislation: Clean Neighbourhoods and Environment Act 2005, SCHEDULE 4 is up to date with all changes known to be in force on or before 08 July 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

### SCHEDULE 4

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.
- 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)”.

#### **Commencement Information**

- 11** Sch. 4 para. 3(1)-(4) in force at 6.4.2006 by S.I. 2006/656, art. 3(e)(i)
- 12** Sch. 4 para. 3(6) in force at 6.4.2006 for specified purposes by S.I. 2006/656, art. 3(e)(ii)

- 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,

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by a parish or community council or by a holder of a waste management licence; or ”.

#### Commencement Information

- I3** Sch. 4 para. 4 in force at 18.10.2005 for E. by S.I. 2005/2896, art. 3(i)  
**I4** Sch. 4 para. 4 in force at 16.3.2006 for W. by S.I. 2006/768, art. 2(c)

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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 ”.

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

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

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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 ”.

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(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) ”.

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

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

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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””.

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

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

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

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