



Clean Neighbourhoods and Environment Act 2005

2005 CHAPTER 16

PART 9

MISCELLANEOUS

Statutory nuisances

101 Statutory nuisance: insects

- (1) Section 79 of the Environmental Protection Act 1990 (statutory nuisances and inspections) is amended as follows.
- (2) In subsection (1) (matters constituting statutory nuisances) after paragraph (f) insert—
 - “(fa) any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance;”.
- (3) After subsection (5) insert—
 - “(5A) Subsection (1)(fa) does not apply to insects that are wild animals included in Schedule 5 to the Wildlife and Countryside Act 1981 (animals which are protected), unless they are included in respect of section 9(5) of that Act only.”
- (4) In subsection (7) at the appropriate place insert—
 - ““appropriate person” means—
 - (a) in relation to England, the Secretary of State;
 - (b) in relation to Wales, the National Assembly for Wales;”.
- (5) After subsection (7B) (as inserted by section 102(6)) insert—
 - “(7C) In this Part “relevant industrial, trade or business premises” means premises that are industrial, trade or business premises as defined in subsection (7), but excluding—

Changes to legislation: Clean Neighbourhoods and Environment Act 2005, Section 101 is up to date with all changes known to be in force on or before 11 August 2023. 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) View outstanding changes

- (a) land used as arable, grazing, meadow or pasture land,
- (b) land used as osier land, reed beds or woodland,
- (c) land used for market gardens, nursery grounds or orchards,
- (d) land forming part of an agricultural unit, not being land falling within any of paragraphs (a) to (c), where the land is of a description prescribed by regulations made by the appropriate person, and
- (e) land included in a site of special scientific interest (as defined in section 52(1) of the Wildlife and Countryside Act 1981),

and excluding land covered by, and the waters of, any river or watercourse, that is neither a sewer nor a drain, or any lake or pond.

(7D) For the purposes of subsection (7C)—

“agricultural” has the same meaning as in section 109 of the Agriculture Act 1947;

“agricultural unit” means land which is occupied as a unit for agricultural purposes;

“drain” has the same meaning as in the Water Resources Act 1991;

“lake or pond” has the same meaning as in section 104 of that Act;

“sewer” has the same meaning as in that Act.”

Commencement Information

- I1** S. 101 in force at 16.3.2006 for specified purposes for W. by S.I. 2006/768, art. 3
- I2** S. 101 in force at 6.4.2006 for E. by S.I. 2006/795, art. 2(3), Sch. 2
- I3** S. 101 in force at 31.1.2007 (being the date on which S.I. 2007/117 came into force) for W. by S.I. 2006/2797, art. 6(a) (as amended by S.I. 2007/120, art. 3(c)(d))

Changes to legislation:

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Commencement Orders yet to be applied to the Clean Neighbourhoods and Environment Act 2005

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2007/120 art. 3](#) Amendment to earlier commencing [S.I. 2006/2797](#)