
STATUTORY INSTRUMENTS

2005 No. 2896 (C.122)

**ENVIRONMENTAL PROTECTION,
ENGLAND AND WALES**

**The Clean Neighbourhoods and Environment Act
2005 (Commencement No.2, Transitional Provisions
and Savings) (England and Wales) Order 2005**

Made - - - - 15th October 2005

The Secretary of State, in exercise of the powers conferred upon her by section 108(1)(a), (3)(c) and (g) and (5) of the Clean Neighbourhoods and Environment Act 2005(1), makes the following Order:

Citation and application

1.—(1) This Order may be cited as the Clean Neighbourhoods and Environment Act 2005 (Commencement No.2, Transitional Provisions and Savings) (England and Wales) Order 2005.

(2) Articles 3, 4, 5 and 6 apply in England only.

Provisions coming into force in England and Wales on 18th October 2005

2. The following provisions of the Clean Neighbourhoods and Environment Act 2005 shall come into force on 18th October 2005—

- (a) section 42 (investigation and enforcement costs);
- (b) section 43 (clean-up costs);
- (c) section 44 (forfeiture of vehicles).

Provisions coming into force in England on 18th October 2005

3. The following provisions of the Clean Neighbourhoods and Environment Act 2005 shall come into force on 18th October 2005—

- (a) section 11 (notice of removal);
- (b) section 12 (disposal);
- (c) section 13 (guidance);

- (d) section 15 (notice of removal);
- (e) section 16 (disposal);
- (f) section 17 (guidance);
- (g) section 47 (abolition of requirement to contract out waste disposal functions);
- (h) section 53 (supplementary enforcement powers);
- (i) in Schedule 4 (minor and consequential amendments), paragraph 4;
- (j) in Part 1 (vehicles) of Schedule 5 (repeals), the repeals to the Refuse Disposal (Amenity) Act 1978(2), to the Road Traffic Regulation Act 1984(3) and to section 3 (disposal of vehicles) of the London Local Authorities Act 2004(4);
- (k) in Part 4 (waste) of Schedule 5, the repeals to the Environmental Protection Act 1990(5), other than the repeal to section 33 of that Act.

Transitional provisions: Refuse Disposal (Amenity) Act 1978

4.—(1) The amendments made to the 1978 Act by—

- (a) section 11 (which amends section 3 of the 1978 Act);
- (b) section 12 (which amends section 4 of the 1978 Act);
- (c) section 13 (which introduces section 4A (guidance) into the 1978 Act),

of the Clean Neighbourhoods and Environment Act 2005 shall not affect the operation of sections 3 and 4 of the 1978 Act(6) in relation to a vehicle described in paragraph (2).

(2) A vehicle to which this article applies is either—

- (a) one in relation to which a local authority has, before 18th October 2005, given a notice under section 3(2) of the 1978 Act, or
- (b) one to which a local authority has, before 18th October 2005, affixed a notice under section 3(5) of the 1978 Act.

(3) In this article, “the 1978 Act” means the Refuse Disposal (Amenity) Act 1978.

Transitional provisions: Road Traffic Regulation Act 1984

5.—(1) The amendments made to the 1984 Act by—

- (a) section 15 (which amends section 99 of the 1984 Act);
- (b) section 16 (which amends section 101 of the 1984 Act);
- (c) section 17 (which amends section 103 of the 1984 Act),

of the Clean Neighbourhoods and Environment Act 2005 shall not affect the operation of sections 99, 101 and 103 of the 1984 Act in relation to a vehicle described in paragraph (2).

(2) A vehicle to which this article applies is either—

- (a) one on a road in relation to which an authority has, before 18th October 2005, given a notice under section 99(3) of the 1984 Act, or

(2) 1978 c. 3.

(3) 1984 c. 27.

(4) 2004 c.i.

(5) 1990 c. 43.

(6) The reference to section 4 of the Refuse Disposal (Amenity) Act 1978 has effect in the area of any London borough council or of the Common Council of the City of London in accordance with the amendments made to that section by section 3 of the London Local Authorities Act 2004.

(b) one to which an authority has, before 18th October 2005, affixed a notice under section 99(4) of that Act.

(3) In this article, “the 1984 Act” means the Road Traffic Regulation Act 1984.

Savings

6.—(1) Notwithstanding their repeal by section 47 of, and Part 4 of Schedule 5 to, the Clean Neighbourhoods and Environment Act 2005, section 32 (as read with section 30(5)) of, and Part 2 of Schedule 2 to, the Environmental Protection Act 1990 shall continue to have effect for the purposes of regulating—

(a) the activities of a company which a waste disposal authority formed or participated in forming for the purposes of the collection of waste, or the disposal, keeping or treating of waste, where the company remains under the control of the waste disposal authority on 18th October 2005; and

(b) the functions of a waste disposal authority in relation to such a company for as long as the company remains under the authority’s control.

(2) In paragraph (1), “waste disposal authority” has the meaning given to it in section 30(2) of the Environmental Protection Act 1990, and “control” has the meaning given to it in section 32(11) of that Act.

Ben Bradshaw
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

15th October 2005

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force in England and Wales the provisions of the Clean Neighbourhoods and Environment Act 2005 set out in article 2 on 18th October 2005.

This Order brings into force in England the provisions of the Clean Neighbourhoods and Environment Act 2005 set out in article 3 on 18th October 2005.

Article 4 contains transitional provisions requiring that a vehicle in respect of which a local authority has given a notice under section 3(2) of the Refuse Disposal (Amenity) Act 1978, or to which a local authority has affixed a notice under section 3(5) of that Act, in either case before 18th October 2005, shall continue to be dealt with in accordance with sections 3 and 4 of that Act as those sections applied before the coming into force of provisions under this Order.

Article 5 contains transitional provisions requiring that a vehicle on a road in respect of which an authority has given a notice under section 99(3) of the Road Traffic Regulation Act 1984 or a vehicle to which an authority has affixed a notice under section 99(4) of that Act, in either case before 18th October 2005, shall continue to be dealt with in accordance with sections 99, 101 and 103 of that Act as those sections applied before the coming into force of provisions under this Order.

Article 6 contains savings continuing the effect of section 32 of, and Part 2 of Schedule 2 to, the Environmental Protection Act 1990 in their application to the activities of companies engaged in the collection, or the treating, keeping or disposal, of waste which remain under the control of waste disposal authorities on 18th October 2005 and to the functions of such authorities in relation to such companies.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provision of the Clean Neighbourhoods and Environment Act 2005 has been brought into force by a commencement order made before the date of this Order:

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I.No.</i> |
|------------------------------------|-----------------------------|---------------------------|
| Section 32 as to England and Wales | 1.7.2005 | 2005/1675 |