
STATUTORY INSTRUMENTS

2006 No. 795

**The Clean Neighbourhoods and Environment
Act 2005 (Commencement No.1, Transitional
and Savings Provisions) (England) Order 2006**

Citation, interpretation and application

1.—(1) This Order may be cited as the Clean Neighbourhoods and Environment Act 2005 (Commencement No.1, Transitional and Savings Provisions) (England) Order 2006.

(2) In this Order “the 2005 Act” means the Clean Neighbourhoods and Environment Act 2005.

(3) This Order applies in England only.

Commencement of provisions

2.—(1) The provisions of the 2005 Act specified in the first column of Schedule 1 shall come into force (where applicable, to the extent specified in the second column of that Schedule) on 14th March 2006.

(2) Section 2 of the 2005 Act shall come into force on 1st April 2006.

(3) The provisions of the 2005 Act specified in the first column of Schedule 2 shall come into force (where applicable, to the extent specified in the second column of that Schedule) on 6th April 2006.

Transitional provisions: London Local Authorities Act 1994 and the City of Newcastle upon Tyne Act 2000

3.—(1) Paragraph 2 applies notwithstanding the repeal of—

(a) section 4 of the London Local Authorities Act 1994⁽¹⁾ (“section 4”); and

(b) section 22 of the City of Newcastle upon Tyne Act 2000⁽²⁾, (“section 22”),

by Part 2 of Schedule 5 to the 2005 Act and the coming into force of section 23 (controls on free distribution of printed matter) of the 2005 Act.

(2) Any designation of a place made under section 4 or section 22 and having effect immediately before 6th April 2006, shall continue to have effect, subject to the powers under those sections either to rescind or vary the designation until—

(a) 6th October 2006; or

(b) its expiry;

whichever is the earlier.

(1) 1994 c.xii.

(2) 2000 c.viii.

Savings: Dogs (Fouling of Land) Act 1996

4.—(1) Subject to paragraph (2) and notwithstanding its repeal by section 65 of, and Part 5 of Schedule 5 to, the 2005 Act, the Dogs (Fouling of Land) Act 1996(3) (“the 1996 Act”) shall continue to have effect in respect of any land which is designated land immediately before 6th April 2006.

(2) Any land which is designated land immediately before 6th April 2006 shall cease to be designated land after 5th April 2006—

- (a) to the extent that a dog control order (whether or not it relates to the fouling of land by dogs) made under section 55 of the 2005 Act applies in respect of it;
- (b) if the designation order in question is revoked; or
- (c) if the designation order in question is amended so as to reduce the extent of the designated land, to the extent of that reduction.

(3) In respect of the continued effect of the 1996 Act—

- (a) section 88(2) to (8) of the Environmental Protection Act 1990(4), as applied by section 4(2) and (3) of the 1996 Act, shall continue to apply as if the amendments made by section 19 of the 2005 Act to section 88 of the Environmental Protection Act 1990 had not been made;
- (b) notwithstanding their repeal by Part 5 of Schedule 5 to the 2005 Act, paragraph 1(2)(c) of Schedule 4 and paragraph 1(2)(b) of Schedule 5 to the Police Reform Act 2002(5) shall continue to have effect;
- (c) notwithstanding its repeal by Part 9 of Schedule 5 to the 2005 Act, section 119 of the Local Government Act 2003(6) shall continue to have effect as if section 119(2)(a), (3)(a) and (c) and (4) were deleted.

(4) In this article—

“designated land” has the meaning given in section 2(1) of the 1996 Act; and

“designation order” means an order made under section 2(1) of the 1996 Act.

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

Date 9th March 2006

(3) 1996 c. 20.

(4) 1990 c. 43; section 119(1) of the Local Government Act 2003 (c. 26) provides that section 88(6)(a) of the Environmental Protection Act 1990 ceases to have effect in its application both to the latter Act and, by virtue of section 4(2) of the Dogs (Fouling of Land) Act 1996 (c. 20), to fixed penalties for dog fouling offences.

(5) 2002 c. 30.

(6) 2003 c. 26.

Changes to legislation:

There are currently no known outstanding effects for the The Clean Neighbourhoods and Environment Act 2005 (Commencement No.1, Transitional and Savings Provisions) (England) Order 2006.