
WELSH STATUTORY INSTRUMENTS

2006 No. 2797

**The Clean Neighbourhoods and Environment
Act 2005 (Commencement No. 2, Transitional
Provisions and Savings) (Wales) Order 2006**

Savings: Dogs (Fouling of Land) Act 1996

10.—(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 continues to have effect in respect of any land which is designated land immediately before the date on which the 1996 Act is repealed in accordance with regulation 5(g) of this Order.

(2) Any land which is designated land immediately before the repeal of the 1996 Act by article 5(g) of this Order ceases to be designated land on the date on which the repeal takes effect—

- (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⁽¹⁾, as applied by section 4(2) and (3) of the 1996 Act, 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⁽²⁾ 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 shall continue to have effect as if subsections (2)(a), (3)(a) and (c) and (4) of that section 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.

(1) 1990 c. 43; section 119(1) of the Local Government Act 2003 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, to fixed penalties for dog fouling offences.

(2) 2002 c. 30.