
WELSH STATUTORY INSTRUMENTS

2007 No. 120 (W.10)

ENVIRONMENTAL PROTECTION, WALES

The Statutory Nuisances (Miscellaneous Provisions) (Wales) Order 2007

Made - - - - 23 January 2007

Coming into force in accordance with article 1

The National Assembly for Wales makes the following Order in exercise of the powers conferred by section 80(8B) of the Environmental Protection Act 1990(1) and section 108(1)(b), (2) and (5) of the Clean Neighbourhoods and Environment Act 2005(2):

Title, commencement and application

1.—(1) The title of this Order is the Statutory Nuisances (Miscellaneous Provisions) (Wales) Order 2007.

(2) Article 3 of this Order comes into force on 30 January 2007.

(3) Article 2 of, and the Schedule to, this Order come into force on 31 January 2007.

(4) This Order applies in relation to Wales.

Designation of a “relevant sport”

2. A sport appearing in the list of sports set out in the Schedule to this Order is designated as a “relevant sport” for the purposes of section 80(8A) of the Environmental Protection Act 1990(3).

Amendment of the Clean Neighbourhoods and Environment Act 2005 (Commencement No. 2, Transitional Provisions and Savings) (Wales) Order 2006

3. The Clean Neighbourhoods and Environment Act 2005 (Commencement No. 2, Transitional Provisions and Savings) (Wales) Order 2006(4) is amended as follows—

(a) in the Welsh text of the heading to article 5 for “2006” substitute “2007”;

(b) in the Welsh and English texts of the opening words in article 5 for “2006” substitute “2007”;

(1) 1990 c. 43; section 80(8B) was inserted by section 103(3) of the Clean Neighbourhoods and Environment Act 2005 (c. 16).

(2) 2005 c. 16.

(3) Section 80(8A) was inserted by section 103(3) of the Clean Neighbourhoods and Environment Act 2005.

(4) S.I. 2006/2797 (W. 236) (C. 93).

- (c) in the Welsh and English texts of the heading to article 6 for “2006” substitute “2007”;
- (d) in the Welsh and English texts of the opening words in article 6 for “2006” substitute “2007”;
- (e) in the Welsh text for the heading to article 7 substitute—

“Darpariaethau yn Neddf 2005 sy'n dod i rym ar y dyddiad y daw erthygl 2 o Orchymyn Niwsansau Statudol (Darpariaethau Amrywiol) (Cymru) 2007 a'r Atodlen i'r Gorchymyn hwnnw i rym”;
- (f) in the English text for the heading to article 7 substitute—

“Provisions of the 2005 Act coming into force on the date on which article 2 of, and the Schedule to, the Statutory Nuisances (Miscellaneous Provisions) (Wales) Order 2007 come into force”;
- (g) in the Welsh text in the opening words in article 7 for the words “Gorchymyn Niwsansau Statudol (Goleuo Artiffisial) (Dynodi Campau Perthnasol) (Cymru) 2006” substitute “erthygl 2 o Orchymyn Niwsansau Statudol (Darpariaethau Amrywiol) (Cymru) 2007 a'r Atodlen i'r Gorchymyn hwnnw”.
- (h) in the English text in the opening words in article 7 for the words “the Statutory Nuisance (Artificial Lighting) (Designation of Relevant Sports) (Wales) Order 2006” substitute “article 2 of, and the Schedule to, the Statutory Nuisances (Miscellaneous Provisions) (Wales) Order 2007”;
- (i) in the Welsh text of article 10(1) for “â rheoliad” substitute “ag erthygl”;
- (j) in the English text of article 10(1) for “regulation” substitute “article”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(5)

23 January 2007

D. Elis-Thomas
The Presiding Officer of the National Assembly

SCHEDULE

Article 2

1. American Football
2. Archery
3. Association Football
4. Athletics
5. Australian Rules Football
6. Badminton
7. baseball
8. Basketball
9. Biathlon
10. Bobsleigh
11. Bowls
12. Camogie
13. Canoeing
14. Cricket
15. Croquet
16. Curling
17. Cycling
18. Equestrian Sports
19. Gaelic Football
20. Golf
21. Gymnastics
22. Handball
23. Hockey
24. Horse Racing
25. Hurling
26. Ice Hockey
27. Ice Skating
28. Lacrosse
29. Luge
30. Modern Pentathlon
31. Motor Cycling
32. Motor Sports
33. Netball
34. Outdoor Climbing Wall

35. Polo
36. Roller Sports
37. Rounders
38. Rowing
39. Rugby League
40. Rugby Union
41. Sailing
42. Shooting
43. Skateboarding
44. Skiing
45. Snowboarding
46. Softball
47. Swimming (including Diving)
48. Tennis
49. Triathlon
50. Tug of War
51. Volleyball

EXPLANATORY NOTE

(This note is not part of the Order)

Section 103 of the Clean Neighbourhoods and Environment Act 2005 (c. 16) (“the 2005 Act”) amends section 80(8) of the Environmental Protection Act 1990 (c. 43) (“the 1990 Act”) with the effect that the defence (to the offence under section 80(4) of the 1990 Act of contravening or failing to comply with the terms or requirements of an abatement notice served under section 80(1) of the 1990 Act) of having used best practicable means to prevent, or counteract the effects of, a statutory nuisance is available in respect of a nuisance caused by artificial light which arises from lights used to illuminate an outdoor relevant sports facility.

A relevant sports facility is defined in section 80(8A) of the 1990 Act as an area, with or without structures, used when participating in a relevant sport, other than such an area comprised in domestic premises.

Section 80(8B) of the 1990 Act confers upon the National Assembly for Wales, in relation to Wales, the function of designating a sport as a “relevant sport” for the purposes of section 80(8A) of the 1990 Act. This Order is made in exercise of that function.

This Order also effects minor amendments to the Clean Neighbourhoods and Environment Act 2005 (Commencement No. 2, Transitional Provisions and Savings) (Wales) Order 2006 (S.I. 2006/2797 (W. 236) (C. 93)).

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*
