



# Clean Neighbourhoods and Environment Act 2005

## 2005 CHAPTER 16

### PART 9

#### MISCELLANEOUS

##### *Pollution*

#### **104 Contaminated land: appeals against remediation notices**

- (1) Section 78L of the Environmental Protection Act 1990 (c. 43) (appeals against remediation notices) is amended as follows.
- (2) In subsection (1), for paragraphs (a) and (b) substitute—
  - “(a) if it was served by a local authority in England, or served by the Environment Agency in relation to land in England, to the Secretary of State;
  - (b) if it was served by a local authority in Wales, or served by the Environment Agency in relation to land in Wales, to the National Assembly for Wales;”.
- (3) In that subsection, for the words from “means” to the end substitute “ the Secretary of State or the National Assembly for Wales, as the case may be ”.
- (4) In subsection (4)—
  - (a) omit paragraph (b);
  - (b) in paragraph (c), omit the words from “or on” to the end.
- (5) In subsection (6), omit the words “so far as relating to appeals to the Secretary of State”.

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**Changes to legislation:** *Clean Neighbourhoods and Environment Act 2005, Cross Heading: Pollution is up to date with all changes known to be in force on or before 23 January 2024. 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*

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- (6) This section does not have effect in relation to a remediation notice served under Part 2A of the Environmental Protection Act 1990 before the commencement of this section.
- (7) The power of the Secretary of State and National Assembly for Wales under section 114 of the Environment Act 1995 (c. 25) in relation to appeals under section 78L of the Environmental Protection Act 1990 extends to appeals under that section as amended by this section.

#### Commencement Information

- I1** [S. 104](#) in force at 16.3.2006 for specified purposes for W. by [S.I. 2006/768](#), [art. 3](#)
- I2** [S. 104](#) in force at 4.8.2006 for specified purposes for E. by [S.I. 2006/1361](#), [art. 2](#)
- I3** [S. 104](#) in force at 10.12.2006 (being the day on which S.I. 2006/2989 came into force) for W. in so far as not already in force by [S.I. 2006/768](#), [art. 4\(a\)](#)

### 105 Offences relating to pollution etc: penalties on conviction

- (1) In paragraph 25 of Schedule 1 to the Pollution Prevention and Control Act 1999 (c. 24) (purposes for which regulations may be made under section 2: offences), in sub-paragraph (2)(a)—
- (a) in paragraph (i) for “six months” substitute “ 12 months ”;
  - (b) in paragraph (ii) for “£20,000” substitute “ £50,000 ”.
- (2) [<sup>F1</sup>Subsection (1)(a)] does not have effect in relation to regulations under section 2 of the Pollution Prevention and Control Act 1999 so far as relating to offences committed before [<sup>F2</sup>2 May 2022].

#### Textual Amendments

- F1** Words in [s. 105\(2\)](#) substituted (26.1.2009) by [Climate Change Act 2008 \(c. 27\)](#), [ss. 88\(1\)](#), 100(5)
- F2** Words in [s. 105\(2\)](#) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), [regs. 1\(2\)](#), 5(1), [Sch. Pt. 1](#)

**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](#)