



Clean Neighbourhoods and Environment Act 2005

2005 CHAPTER 16

PART 3

LITTER AND REFUSE

General

25 Exclusion of liability

In the Environmental Protection Act 1990 (c. 43), after section 97A (as inserted by section 24 above) insert—

“97B Exclusion of liability

- (1) None of the persons mentioned in subsection (2) below is to have any liability to an occupier or owner of land for damages or otherwise (whether at common law or otherwise) arising out of anything done or omitted to be done in the exercise or purported exercise of the power in section 92(9), 92A(9) or 92C(3) above.
- (2) Those persons are—
 - (a) the principal litter authority and any employee of the authority; and
 - (b) in the case of the power in section 92C(3) above, any person authorised by the authority under that provision and the employer or any employee of that person.
- (3) Subsection (1) above does not apply—
 - (a) if the act or omission is shown to be in bad faith;
 - (b) to liability arising out of a failure to exercise due care and attention;
 - (c) so as to prevent an award of damages in respect of an act or omission on the ground that the act or omission was unlawful by virtue of section 6(1) of the Human Rights Act 1998.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Clean Neighbourhoods and Environment Act 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) This section does not affect any other exemption from liability (whether at common law or otherwise).”

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Commencement Information

- I1** S. 25 in force at 6.4.2006 for E. by S.I. 2006/795, art. 2(3), **Sch. 2**
- I2** S. 25 in force at 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W. by S.I. 2006/2797, **art. 4(1)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 95A inserted by [S.I. 2024/365 reg. 3\(a\)](#)

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](#)