

**Changes to legislation:** Clean Neighbourhoods and Environment Act 2005, SCHEDULE 5 is up to date with all changes known to be in force on or before 25 May 2023. 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

SCHEDULES

SCHEDULE 5

Section 107

REPEALS

PART 1

VEHICLES

<b>Commencement Information</b>	
<b>I1</b>	Sch. 5 Pt. 1 in force at 18.10.2005 for specified purposes for E. by S.I. 2005/2896, art. 3(j)
<b>I2</b>	Sch. 5 Pt. 1 in force at 27.10.2006 for specified purposes for W. by S.I. 2006/2797, art. 2(t)
<b>I3</b>	Sch. 5 Pt. 1 is partly in force; Sch. 5 Pt. 1 in force for certain purposes at 7.6.2005, see s. 108(4)

Short title and chapter	Extent of repeal
Refuse Disposal (Amenity) Act 1978 (c. 3)	In section 3— (a) subsection (5); (b) in subsection (8), the words from “, other than” to “subsection (5) above,”. In section 4— (a) in subsection (1), the words from “but not earlier” to the end; (b) subsection (2).
Greater London Council (General Powers) Act 1982 (c.i)	Section 5.
Road Traffic Regulation Act 1984 (c. 27)	Section 99(4). In section 101(3)— (a) in paragraph (a), the words from “and on which” to “at the time of its removal”; (b) the words from “but, in a case” to the end.
London Local Authorities Act 2004 (c. i)	Section 3. Section 11.

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## PART 2

### LITTER AND REFUSE

#### Commencement Information

- I4** Sch. 5 Pt. 2 in force at 6.4.2006 for specified purposes for E. by S.I. 2006/795, art. 2(3), Sch. 2 (with art. 3)
- I5** Sch. 5 Pt. 2 in force at 6.3.2007 for E. in so far as not already in force by S.I. 2007/390, art. 2(e)
- I6** Sch. 5 Pt. 2 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(oo)

#### Short title and chapter

#### Extent of repeal

Environmental Protection Act 1990 (c. 43)	Section 86(12). Section 89(1)(g) and the preceding “and”. Section 90. Section 91(1)(g) and the preceding “or”. In section 92— (a) subsection (1)(d) and the preceding “or”; (b) subsection (3)(d). In section 94(3), the words from “but a specified area” to the end. Section 95(1)(a).
London Local Authorities Act 1994 (c. xii)	Section 4.
City of Newcastle upon Tyne Act 2000 (c. viii)	Sections 21 and 22.

## PART 3

### GRAFFITI AND OTHER DEFACEMENT

#### Commencement Information

- I7** Sch. 5 Pt. 3 in force at 6.4.2006 for E. by S.I. 2006/795, art. 2(3), Sch. 2
- I8** Sch. 5 Pt. 3 in force at 18.1.2008 for specified purposes for W. by S.I. 2007/3371, art. 2(b)
- I9** Sch. 5 Pt. 3 is partly in force; Sch. 5 Pt. 3 in force for certain purposes at 7.6.2005, see s. 108(4)

#### Short title and chapter

#### Extent of repeal

Town and Country Planning Act 1990 (c. 8)	Section 324(3)(a).
London Local Authorities Act 1995 (c. x)	Section 10.
Anti-social Behaviour Act 2003 (c. 38)	Section 43(10) and (11).
London Local Authorities Act 2004 (c. i)	Section 25.

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## PART 4

### WASTE

#### Commencement Information

- I10** Sch. 5 Pt. 4 in force for certain purposes at 7.6.2005, see s. 108(4)
- I11** Sch. 5 Pt. 4 in force at 18.10.2005 for specified purposes for E. by [S.I. 2005/2896](#), [art. 3\(k\)](#) (with [art. 6](#)) (as amended by [S.I. 2006/1002](#), art. 2)
- I12** Sch. 5 Pt. 4 in force at 16.3.2006 for specified purposes for W. by [S.I. 2006/768](#), [art. 2\(d\)](#) (with [art. 5](#)) (as amended by [S.I. 2006/2797](#), art. 11)
- I13** [Sch. 5 Pt. 4](#) in force at 6.4.2015 for specified purposes and for further specified purposes immediately after the coming into force of S.I. 2015/426 by [S.I. 2015/425](#), [art. 4\(2\)\(3\)](#) (with [art. 5](#))

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Control of Pollution (Amendment) Act 1989 (c. 14)	<p>Section 1(4)(c) and the preceding “or”.</p> <p>In section 2—</p> <ul style="list-style-type: none"> <li>(a) in subsection (2)(c), the words “free of charge”;</li> <li>(b) subsection (2)(d);</li> <li>(c) in subsection (2)(e), the words “free of charge”;</li> <li>(d) subsection (3)(b);</li> <li>(e) subsection (3A)(a).</li> </ul> <p>Section 6.</p>
Environmental Protection Act 1990 (c. 43)	<p>Section 30(5).</p> <p>Section 32.</p> <p>Section 33(7)(b).</p> <p>In section 48—</p> <ul style="list-style-type: none"> <li>(a) in subsection (4), the words “with a waste disposal contractor” and “for the contractor”;</li> <li>(b) in subsection (6), the words “, subject to subsection (7) below,”;</li> <li>(c) subsection (7).</li> </ul> <p>In section 51—</p> <ul style="list-style-type: none"> <li>(a) in subsection (1), the words from “in either case” to the end;</li> <li>(b) subsection (4)(b) to (d);</li> <li>(c) subsections (5) and (6).</li> </ul> <p>In section 55(2)(a) and (b), the words “with waste disposal contractors for them”.</p> <p>In section 60(2)(a) and (b), the word “, contractor”.</p> <p>In section 77—</p> <ul style="list-style-type: none"> <li>(a) in subsection (1), the definitions of “existing disposal authority”, “existing disposal plan”, “relevant part of its undertaking” and “the vesting date”;</li> <li>(b) subsection (4);</li> <li>(c) subsections (6) to (9).</li> </ul>

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## Schedule 2.

### PART 5

#### DOG CONTROLS

##### Commencement Information

- I14** Sch. 5 Pt. 5 in force at 6.4.2006 for E. by S.I. 2006/795, art. 2(3), Sch. 2 (with art. 4)
- I15** Sch. 5 Pt. 5 in force at 15.3.2007 (being the date on which S.I. 2007/702 came into force) for W. by S.I. 2006/2797, art. 5(g) (with art. 10(1)(3)(b)) (as amended by S.I. 2007/120, art. 3(a)(b)(i)(j))

##### *Short title and chapter*

##### *Extent of repeal*

Dogs (Fouling of Land) Act 1996 (c. 20)

The whole Act.

Police Reform Act 2002 (c. 30)

In Schedule 4, paragraph 1(2)(c).

In Schedule 5, paragraph 1(2)(b).

### PART 6

#### STRAY DOGS

##### Commencement Information

- I16** Sch. 5 Pt. 6 in force at 6.4.2008 by S.I. 2008/956, art. 2(b)

##### *Short title and chapter*

##### *Extent of repeal*

Dogs Act 1906 (c. 32)

Sections 3 and 4.

Dogs (Amendment) Act 1928 (c. 21)

Section 2.

Local Government Act 1988 (c. 9)

Section 39.

Environmental Protection Act 1990 (c. 43)

In the heading to section 150, the words “police or”.

In section 150—

- (a) in subsection (1), in paragraph (b), subparagraph (ii) and the preceding “or”;
- (b) in that subsection, the words from “or the police officer” to “as the case may be,”.

In Schedule 15, paragraph 3.

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## PART 7

### NOISE

#### Commencement Information

- I17** Sch. 5 Pt. 7 in force at 6.4.2006 for E. by S.I. 2006/795, art. 2(3), Sch. 2  
**I18** Sch. 5 Pt. 7 in force at 18.1.2008 for specified purposes for W. by S.I. 2007/3371, art. 2(c)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
London Local Authorities Act 1991 (c. xiii)	Section 23.
Noise and Statutory Nuisance Act 1993 (c. 40)	Section 9. Schedule 3.
Noise Act 1996 (c. 37)	In the heading to section 2, the words “from a dwelling”. Section 8(8). Section 9(3). In section 9(4A), the word “and” at the end of paragraph (a).

## PART 8

### ARCHITECTURE AND THE BUILT ENVIRONMENT

#### Commencement Information

- I19** Sch. 5 Pt. 8 in force at 1.1.2006 by S.I. 2005/3439, art. 2

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Environmental Protection Act 1990	In section 153(1), the paragraph (rr) inserted by article 2 of the Financial Assistance for Environmental Purposes (England) Order 2003 (S.I. 2003/714).

## PART 9

### USE OF FIXED PENALTY RECEIPTS

#### Commencement Information

- I20** Sch. 5 Pt. 9 in force at 6.4.2006 for specified purposes for E. by S.I. 2006/795, art. 2(3), Sch. 2 (with art. 4)  
**I21** Sch. 5 Pt. 9 in force at 6.3.2007 for E. in so far as not already in force by S.I. 2007/390, art. 2(d)  
**I22** Sch. 5 Pt. 9 in force at 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W. for specified purposes by S.I. 2006/2797, art. 4(pp) (with art. 10(3)(c))  
**I23** Sch. 5 Pt. 9 in force at 18.1.2008 for specified purposes for W. by S.I. 2007/3371, art. 2(d)

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**I24** [Sch. 5 Pt. 9](#) in force at 3.3.2015 for W. in so far as not already in force by [S.I. 2015/425](#), **art. 3**

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Local Government Act 2003 (c. 26)	Section 100(2)(f). Section 119.
Anti-social Behaviour Act 2003 (c. 38)	Section 45(3) to (9).

## PART 10

### CONTAMINATED LAND

#### Commencement Information

**I25** [Sch. 5 Pt. 10](#) in force at 4.8.2006 for specified purposes for E. by [S.I. 2006/1361](#), **art. 2**

**I26** [Sch. 5 Pt. 10](#) in force at 10.12.2006 (being the day on which S.I. 2006/2989 came into force) for W. by [S.I. 2006/768](#), **art. 4(b)**

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Environmental Protection Act 1990 (c. 43)	In section 78L— (a) in subsection (4), paragraph (b) and, in paragraph (c), the words from “or on” to the end; (b) in subsection (6), the words “, so far as relating to appeals to the Secretary of State,”.

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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