

**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

## SCHEDULES

### SCHEDULE 1 **E+W**

Section 84

#### APPLICATION OF THE NOISE ACT 1996 TO LICENSED PREMISES ETC

1 The Noise Act 1996 (c. 37) is amended as follows.

##### Commencement Information

- I1** Sch. 1 para. 1 in force at 1.10.2006 for E. by S.I. 2006/2006, art. 2  
**I2** Sch. 1 para. 1 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(kk)

2 In the heading to section 2, omit “from a dwelling”.

##### Commencement Information

- I3** Sch. 1 para. 2 in force at 6.4.2006 for E. by S.I. 2006/795, art. 2(3), Sch. 2  
**I4** Sch. 1 para. 2 in force at 27.10.2006 for W. by S.I. 2006/2797, art. 2(p)

- 3 (1) Section 2 (investigations of complaints of noise) is amended as follows.
- (2) In subsection (2), after “emitted from” insert “ (a) ” and at the end insert “, or  
(b) any premises in respect of which a premises licence or a temporary event notice has effect (referred to in this group of sections as “the offending premises”)”.
- (3) In subsection (4)(a), after “the offending dwelling” insert “ or the offending premises ”.
- (4) In subsection (7)—  
(a) after “the offending dwelling is” insert “, or the offending premises are, ”;  
(b) after “if the offending dwelling” insert “ or the offending premises ”.
- (5) After subsection (7) insert—  
“(7A) In this group of sections—  
“premises licence” has the same meaning as in the Licensing Act 2003 (c. 17);  
“temporary event notice” has the same meaning as in the Licensing Act 2003 (and is to be treated as having effect in accordance with section 171(6) of that Act).”

##### Commencement Information

- I5** Sch. 1 para. 3 in force at 1.10.2006 for E. by S.I. 2006/2006, art. 2

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**16** Sch. 1 para. 3 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(kk)

- 4 (1) Section 3 (warning notices) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a)(i), after “offending dwelling” insert “ or the offending premises ”;
  - (b) for paragraph (b) substitute—
    - “(b) give warning—
      - (i) in a case where the complaint is in respect of a dwelling, that any person who is responsible for noise which is emitted from the offending dwelling in the period specified in the notice and which exceeds the permitted level, as measured from within the complainant's dwelling, may be guilty of an offence;
      - (ii) in a case where the complaint is in respect of other premises, that the responsible person in relation to the offending premises may be guilty of an offence if noise which exceeds the permitted level, as measured from within the complainant's dwelling, is emitted from the premises in the period specified in the notice.”
- (3) In subsection (3), at the beginning insert “ In a case where the complaint is in respect of a dwelling, ”.
- (4) After subsection (3) insert—
- “(3A) In a case where the complaint is in respect of other premises, a warning notice must be served by delivering it to the person who appears to the officer of the authority to be the responsible person in relation to the offending premises at the time the notice is delivered.”
- (5) After subsection (5) insert—
- “(6) For the purposes of this group of sections, the responsible person in relation to premises at a particular time is—
- (a) where a premises licence has effect in respect of the premises—
    - (i) the person who holds the premises licence if he is present at the premises at that time,
    - (ii) where that person is not present at the premises at that time, the designated premises supervisor under the licence if he is present at the premises at that time, or
    - (iii) where neither of the persons mentioned in sub-paragraphs (i) and (ii) is present at the premises at that time, any other person present at the premises at that time who is in charge of the premises;
  - (b) where a temporary event notice has effect in respect of the premises—
    - (i) the premises user in relation to that notice if he is present at the premises at that time, or

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- (ii) where the premises user is not present at the premises at that time, any other person present at the premises at that time who is in charge of the premises.”

**Commencement Information**

- I7** Sch. 1 para. 4 in force at 1.10.2006 for E. by S.I. 2006/2006, art. 2  
**I8** Sch. 1 para. 4 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(kk)

- 5 In the heading to section 4, after “where noise” insert “ from a dwelling ”.

**Commencement Information**

- I9** Sch. 1 para. 5 in force at 1.10.2006 for E. by S.I. 2006/2006, art. 2  
**I10** Sch. 1 para. 5 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(kk)

- 6 After section 4 insert—

**“4A Offence where noise from other premises exceeds permitted level after service of notice**

- (1) If—
- (a) a warning notice has been served under section 3 in respect of noise emitted from premises,
  - (b) noise is emitted from the premises in the period specified in the notice, and
  - (c) the noise exceeds the permitted level, as measured from within the complainant's dwelling,
- the responsible person in relation to the offending premises at the time at which the noise referred to in paragraph (c) is emitted is guilty of an offence.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

**Commencement Information**

- I11** Sch. 1 para. 6 in force at 1.10.2006 for E. by S.I. 2006/2006, art. 2  
**I12** Sch. 1 para. 6 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(kk)

- 7 (1) Section 5 (permitted level of noise) is amended as follows.
- (2) In subsection (1)—
- (a) for “the Secretary of State” substitute “ the appropriate person ”;
  - (b) after “from any dwelling” insert “ or other premises ”.
- (3) In subsection (4), for “The Secretary of State” substitute “ The appropriate person ”.

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**Commencement Information**

- I13** Sch. 1 para. 7(1)(2)(b) in force at 1.10.2006 for E. by S.I. 2006/2006, art. 2  
**I14** Sch. 1 para. 7(1)(2)(b) 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(kk)  
**I15** Sch. 1 para. 7(2)(a)(3) in force at 6.4.2006 for E. by S.I. 2006/795, art. 2(3), Sch. 2  
**I16** Sch. 1 para. 7(2)(a)(3) in force at 27.10.2006 for W. by S.I. 2006/2797, art. 2(p)

- 8 (1) Section 6 (approval of measuring devices) is amended as follows.  
 (2) In subsection (1), for “the Secretary of State” substitute “ the appropriate person ”.  
 (3) In subsection (3), after “section 4” insert “ or 4A ”.

**Commencement Information**

- I17** Sch. 1 para. 8(1)(3) in force at 1.10.2006 for E. by S.I. 2006/2006, art. 2  
**I18** Sch. 1 para. 8(1)(3) 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(kk)  
**I19** Sch. 1 para. 8(2) in force at 6.4.2006 for E. by S.I. 2006/795, art. 2(3), Sch. 2  
**I20** Sch. 1 para. 8(2) in force at 27.10.2006 for W. by S.I. 2006/2797, art. 2(p)

- 9 (1) Section 7 (evidence) is amended as follows.  
 (2) In subsection (1), after “section 4” insert “ or 4A ”.  
 (3) After subsection (3) insert—  
     “(3A) In proceedings for an offence under section 4A, evidence that noise, or noise of any kind, measured by a device at any time was noise emitted from any other premises may be given by the production of a document—  
     (a) signed by an officer of the local authority, and  
     (b) stating that he had identified those premises as the source at that time of the noise or, as the case may be, noise of that kind.”  
 (4) In subsection (4), for “or (3)(a)” substitute “ , (3)(a) or (3A)(a) ”.

**Commencement Information**

- I21** Sch. 1 para. 9 in force at 1.10.2006 for E. by S.I. 2006/2006, art. 2  
**I22** Sch. 1 para. 9 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(kk)

- 10 (1) Section 8 (fixed penalty notices) is amended as follows.  
 (2) In subsection (1), after “section 4” insert “ or 4A ”.  
 (3) In subsection (2)(b), after “the offending dwelling” insert “ or the offending premises (as the case may be) ”.

**Commencement Information**

- I23** Sch. 1 para. 10 in force at 1.10.2006 for E. by S.I. 2006/2006, art. 2

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**I24** Sch. 1 para. 10 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(kk)

- 11 (1) Section 8A (amount of fixed penalty), as inserted by section 82 of this Act, is amended as follows.
- (2) In subsection (2), at the beginning insert “ In the case of an offence under section 4 ”.
- (3) After subsection (2) insert—
- “(2A) In the case of an offence under section 4A the amount of the fixed penalty is £500.”
- (4) In subsection (3), after “the fixed penalty” insert “ payable in the case of an offence under section 4 ”.
- (5) In subsection (6), after “(2)(b)” insert “ or (2A) ”.

#### Commencement Information

**I25** Sch. 1 para. 11 in force at 1.10.2006 for E. by S.I. 2006/2006, art. 2

**I26** Sch. 1 para. 11 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(kk)

- 12 (1) Section 9 (section 8: supplementary) is amended as follows.
- (2) In subsection (1), for “the Secretary of State” substitute “ the appropriate person ”.
- (3) After subsection (2) insert—
- “(2A) If a fixed penalty notice is given to a person in respect of noise emitted from other premises in any period in a warning notice—
- (a) no further fixed penalty notice may be given to that person in respect of noise emitted from the premises during that period, but
- (b) that person may be convicted of a further offence under section 4A in respect of noise emitted from the premises after the fixed penalty notice is given and before the end of that period.”
- (4) In subsections (4A)(b) and (4C), for each occurrence of “the Secretary of State” substitute “ the appropriate person ”.
- (5) In subsection (4D), for “The Secretary of State” substitute “ The appropriate person ”.
- (6) In subsections (4E) and (4F), for each occurrence of “the Secretary of State” substitute “ the appropriate person ”.
- (7) In subsection (5), after “section 4” insert “ or 4A ”.

#### Commencement Information

**I27** Sch. 1 para. 12(1)(3)(7) in force at 1.10.2006 for E. by S.I. 2006/2006, art. 2

**I28** Sch. 1 para. 12(1)(3)(4)(7) 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(kk)

**I29** Sch. 1 para. 12(2)(5)(6) in force at 6.4.2006 for E. by S.I. 2006/795, art. 2(3), Sch. 2

**I30** Sch. 1 para. 12(2)(5)(6) in force at 27.10.2006 for W. by S.I. 2006/2797, art. 2(p)

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**I31** Sch. 1 para. 12(4) in force at 14.3.2006 for E. by S.I. 2006/795, art. 2(1), Sch. 1

- 13 (1) Section 10 (powers of entry and seizure etc) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), after “a dwelling” insert “ or other premises ”;
- (b) in paragraph (b), after “the dwelling” insert “ or other premises ”.
- (3) In subsection (2), after “the dwelling” insert “ or other premises ”.
- (4) In subsection (4)—
- (a) in paragraph (a), after “a dwelling” insert “ or other premises ”;
- (b) in paragraph (b), after “the dwelling” insert “ or other premises ”;
- (c) in paragraph (c), after “the dwelling” insert “ or other premises ”;
- (d) after “to enter the” insert “ dwelling or other ”.
- (5) In subsection (5)—
- (a) after “enters any” insert “ dwelling or other ”;
- (b) for the words from “the premises are unoccupied” to the end substitute “ the dwelling is, or the other premises are, unoccupied, must leave it or them as effectively secured against trespassers as he found it or them. ”

**Commencement Information**

**I32** Sch. 1 para. 13 in force at 1.10.2006 for E. by S.I. 2006/2006, art. 2

**I33** Sch. 1 para. 13 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(kk)

- 14 In the Schedule (powers in relation to seized equipment) in paragraph 1(a)(i), after “section 4” insert “ or q4A ”.

**Commencement Information**

**I34** Sch. 1 para. 14 in force at 1.10.2006 for E. by S.I. 2006/2006, art. 2

**I35** Sch. 1 para. 14 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(kk)

<sup>F1</sup> .....

**Textual Amendments**

**F1** Sch. 2 paras. 1-11 repealed (21.1.2012) by The Commission for Architecture and the Built Environment (Dissolution) Order 2012 (S.I. 2012/147), art. 1, Sch.

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### *Membership*

F12 .....

#### **Textual Amendments**

- F1** Sch. 2 paras. 1-11 repealed (21.1.2012) by [The Commission for Architecture and the Built Environment \(Dissolution\) Order 2012 \(S.I. 2012/147\)](#), art. 1, [Sch.](#)

### *Tenure*

F13 .....

#### **Textual Amendments**

- F1** Sch. 2 paras. 1-11 repealed (21.1.2012) by [The Commission for Architecture and the Built Environment \(Dissolution\) Order 2012 \(S.I. 2012/147\)](#), art. 1, [Sch.](#)

### *Staff etc*

F14 .....

#### **Textual Amendments**

- F1** Sch. 2 paras. 1-11 repealed (21.1.2012) by [The Commission for Architecture and the Built Environment \(Dissolution\) Order 2012 \(S.I. 2012/147\)](#), art. 1, [Sch.](#)

### *Committees*

F15 .....

#### **Textual Amendments**

- F1** Sch. 2 paras. 1-11 repealed (21.1.2012) by [The Commission for Architecture and the Built Environment \(Dissolution\) Order 2012 \(S.I. 2012/147\)](#), art. 1, [Sch.](#)

### *Remuneration etc*

F16 .....

#### **Textual Amendments**

- F1** Sch. 2 paras. 1-11 repealed (21.1.2012) by [The Commission for Architecture and the Built Environment \(Dissolution\) Order 2012 \(S.I. 2012/147\)](#), art. 1, [Sch.](#)

### *Delegation*

F17 .....

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**Textual Amendments**

**F1** Sch. 2 paras. 1-11 repealed (21.1.2012) by [The Commission for Architecture and the Built Environment \(Dissolution\) Order 2012 \(S.I. 2012/147\)](#), art. 1, [Sch.](#)

*Proceedings*

<sup>F18</sup> .....

**Textual Amendments**

**F1** Sch. 2 paras. 1-11 repealed (21.1.2012) by [The Commission for Architecture and the Built Environment \(Dissolution\) Order 2012 \(S.I. 2012/147\)](#), art. 1, [Sch.](#)

*Accounts*

<sup>F19</sup> .....

**Textual Amendments**

**F1** Sch. 2 paras. 1-11 repealed (21.1.2012) by [The Commission for Architecture and the Built Environment \(Dissolution\) Order 2012 \(S.I. 2012/147\)](#), art. 1, [Sch.](#)

*Annual report*

<sup>F110</sup> .....

**Textual Amendments**

**F1** Sch. 2 paras. 1-11 repealed (21.1.2012) by [The Commission for Architecture and the Built Environment \(Dissolution\) Order 2012 \(S.I. 2012/147\)](#), art. 1, [Sch.](#)

*Instruments and authentication*

<sup>F111</sup> .....

**Textual Amendments**

**F1** Sch. 2 paras. 1-11 repealed (21.1.2012) by [The Commission for Architecture and the Built Environment \(Dissolution\) Order 2012 \(S.I. 2012/147\)](#), art. 1, [Sch.](#)

*Records*

12 In Schedule 1 to the Public Records Act 1958 (c. 51) (definition of public records), at the appropriate place in Part 2 of the Table at the end of paragraph 3 insert— “ Commission for Architecture and the Built Environment. ”



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**Commencement Information**

**I36** Sch. 2 para. 12 in force at 1.1.2006 by S.I. 2005/3439, art. 2

*Disqualification*

13 In the House of Commons Disqualification Act 1975 (c. 24), in Part 2 of Schedule 1 (bodies of which all members are disqualified), at the appropriate place insert— “ Commission for Architecture and the Built Environment. ”

**Commencement Information**

**I37** Sch. 2 para. 13 in force at 1.1.2006 by S.I. 2005/3439, art. 2

*Transitional provisions*

<sup>F2</sup>14 .....

**Textual Amendments**

**F2** Sch. 2 para. 14 repealed (21.1.2012) by The Commission for Architecture and the Built Environment (Dissolution) Order 2012 (S.I. 2012/147), art. 1, Sch.

*Interpretation*

<sup>F3</sup>15 .....

**Textual Amendments**

**F3** Sch. 2 para. 15 repealed (21.1.2012) by The Commission for Architecture and the Built Environment (Dissolution) Order 2012 (S.I. 2012/147), art. 1, Sch.

SCHEDULE 3 **E+W**

Section 92

TRANSFER OF STAFF, PROPERTY ETC FROM THE OLD COMMISSION

*Transfer of staff*

<sup>F4</sup>1 .....

**Textual Amendments**

**F4** Sch. 3 paras. 1-7 repealed (21.1.2012) by The Commission for Architecture and the Built Environment (Dissolution) Order 2012 (S.I. 2012/147), art. 1, Sch.

<sup>F4</sup>2 .....

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**Textual Amendments**

**F4** Sch. 3 paras. 1-7 repealed (21.1.2012) by [The Commission for Architecture and the Built Environment \(Dissolution\) Order 2012 \(S.I. 2012/147\)](#), art. 1, [Sch.](#)

*Transfer of property, rights and liabilities*

**F43** .....

**Textual Amendments**

**F4** Sch. 3 paras. 1-7 repealed (21.1.2012) by [The Commission for Architecture and the Built Environment \(Dissolution\) Order 2012 \(S.I. 2012/147\)](#), art. 1, [Sch.](#)

**F44** .....

**Textual Amendments**

**F4** Sch. 3 paras. 1-7 repealed (21.1.2012) by [The Commission for Architecture and the Built Environment \(Dissolution\) Order 2012 \(S.I. 2012/147\)](#), art. 1, [Sch.](#)

**F45** .....

**Textual Amendments**

**F4** Sch. 3 paras. 1-7 repealed (21.1.2012) by [The Commission for Architecture and the Built Environment \(Dissolution\) Order 2012 \(S.I. 2012/147\)](#), art. 1, [Sch.](#)

**F46** .....

**Textual Amendments**

**F4** Sch. 3 paras. 1-7 repealed (21.1.2012) by [The Commission for Architecture and the Built Environment \(Dissolution\) Order 2012 \(S.I. 2012/147\)](#), art. 1, [Sch.](#)

**F47** .....

**Textual Amendments**

**F4** Sch. 3 paras. 1-7 repealed (21.1.2012) by [The Commission for Architecture and the Built Environment \(Dissolution\) Order 2012 \(S.I. 2012/147\)](#), art. 1, [Sch.](#)

**8** So far as is necessary or appropriate in consequence of paragraph 3, on and after the appointed day a reference to the old Commission in an enactment, instrument or other document is to be treated as a reference to the Commission.

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**Commencement Information**

**I38** Sch. 3 para. 8 in force at 1.1.2006 by [S.I. 2005/3439](#), [art. 2](#)

*The appointed day*

9 The appointed day is the day on which section 92 comes into force.

**Commencement Information**

**I39** Sch. 3 para. 9 in force at 1.1.2006 by [S.I. 2005/3439](#), [art. 2](#)

SCHEDULE 4 **E+W**

Section 106

MINOR AND CONSEQUENTIAL AMENDMENTS

*Highways Act 1980 (c. 66)*

1 In section 325 of the Highways Act 1980, in subsection (2)(a), after “subsection (2A) below” insert “or regulations made by the National Assembly for Wales under Part 8A ”.

*Environmental Protection Act 1990 (c. 43)*

2 The Environmental Protection Act 1990 is amended as follows.

3 (1) Section 52 is amended as follows.

(2) After subsection (4) insert—

“(4A) The Secretary of State may by regulations impose on waste disposal authorities in England a duty to make payments corresponding to the payments which are authorised by subsection (3)(a) above to such persons in such circumstances and in respect of such descriptions or quantities of waste as are specified in the regulations.”

(3) In subsection (5)—

(a) after “authorities” insert “ in Wales ”; and

(b) for “subsection (3)” substitute “ subsection (3)(b) ”.

(4) In subsection (6), for “subsections (1), (3)” substitute “ subsections (1)(b), (3)(b) ”.

(5) In subsection (7), for “subsections (2) and (4)” substitute “ subsections (2)(b) and (4)(b) ”.

(6) In subsection (8), for “subsections (1), (2), (3), (4)” substitute “ subsections (1)(b), (2)(b), (3)(b), (4)(b) ”.

**Commencement Information**

**I40** Sch. 4 para. 3(1)-(4) in force at 6.4.2006 by [S.I. 2006/656](#), [art. 3\(e\)\(i\)](#)

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**I41** Sch. 4 para. 3(6) in force at 6.4.2006 for specified purposes by S.I. 2006/656, **art. 3(e)(ii)**

- 4 In section 60(1)—
- (a) in paragraph (a), for the words from “a waste disposal contractor” to the end substitute “ or under arrangements made with a waste disposal authority or by any other local authority or person ”;
  - (b) in paragraph (b), for the words from “a waste disposal contractor” to the end substitute “ or under arrangements made with a waste disposal authority, by a parish or community council or by a holder of a waste management licence; or ”.

#### Commencement Information

**I42** Sch. 4 para. 4 in force at 18.10.2005 for E. by S.I. 2005/2896, **art. 3(i)**

**I43** Sch. 4 para. 4 in force at 16.3.2006 for W. by S.I. 2006/768, **art. 2(c)**

- 5 In section 89(1), at the end of paragraph (e) insert “ and ”.

#### Commencement Information

**I44** Sch. 4 para. 5 in force at 6.3.2007 for E. by S.I. 2007/390, **art. 2(a)**

**I45** Sch. 4 para. 5 in force at 18.1.2008 for W. by S.I. 2007/3371, **art. 2(a)**

- 6 In section 91(1), at the end of paragraph (e) insert “ or ”.

#### Commencement Information

**I46** Sch. 4 para. 6 in force at 6.3.2007 for E. by S.I. 2007/390, **art. 2(a)**

**I47** Sch. 4 para. 6 in force at 18.1.2008 for W. by S.I. 2007/3371, **art. 2(a)**

F57 .....

#### Textual Amendments

**F5** Sch. 4 para. 7 repealed (20.10.2014) by *Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)*, s. 185(1), **Sch. 11 para. 50** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, **art. 3(g)(viii)(ee)** (as renumbered (20.10.2014) by S.I. 2014/2754, arts. 1, 3(b))

- 8 In section 95(1), after paragraph (b) insert “and
- (c) all orders made by the authority under paragraph 2(1) of Schedule 3A.”

#### Commencement Information

**I48** Sch. 4 para. 8 in force at 6.3.2007 for E. by S.I. 2007/390, **art. 2(a)**

**I49** Sch. 4 para. 8 in force at 18.1.2008 for W. by S.I. 2007/3371, **art. 2(a)**

- 9 In section 96(1)(b), after “section 92(9)” insert “ or 92C(3) ”.

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**Commencement Information**

**I50** Sch. 4 para. 9 in force at 6.3.2007 for E. by S.I. 2007/390, art. 2(a)

**I51** Sch. 4 para. 9 in force at 18.1.2008 for W. by S.I. 2007/3371, art. 2(a)

- 10 (1) Section 161 is amended as follows.
- (2) In subsection (1) after “Secretary of State” insert “, National Assembly for Wales”.
- (3) After subsection (2), insert—
- “(2A) Subsection (2) does not apply to a statutory instrument made solely by the National Assembly for Wales.”
- (4) In subsection (4), at the end insert “or
- (c) which is made solely by the National Assembly for Wales.”

*Control of Pollution (Amendment) Act 1989 (c. 14)*

- 11 (1) Section 8 of the Control of Pollution (Amendment) Act 1989 is amended as follows.
- (2) In subsection (1), after “regulations” insert “ or orders ”.
- (3) After that subsection insert—
- “(1A) The powers of the National Assembly for Wales to make regulations or orders under sections 5 to 5C above are exercisable by statutory instrument.”
- (4) In subsection (2)—
- (a) after “Regulations” insert “ or orders ”;
- (b) in paragraph (a) for “Secretary of State” substitute “ person making the regulations or order ”.

*Anti-social Behaviour Act 2003 (c. 38)*

- 12 The Anti-social Behaviour Act 2003 is amended as follows.

<sup>F6</sup>13 .....

**Textual Amendments**

**F6** Sch. 4 para. 13 repealed (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 50](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(viii)(ee) (as renumbered (20.10.2014) by S.I. 2014/2754, arts. 1, 3(b))

- 14 In section 45, for subsection (1) substitute—
- “(1) The fixed penalty payable in pursuance of a notice under section 43(1) is payable to the local authority whose authorised officer gave the notice.”

**Commencement Information**

**I52** Sch. 4 para. 14 in force at 6.3.2007 for E. by S.I. 2007/390, art. 2(b)

**I53** Sch. 4 para. 14 in force at 18.1.2008 for W. by S.I. 2007/3371, art. 2(a)

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15 In section 47(1), after “sections 43” insert “ to 43B ”.

**Commencement Information**

- I54** Sch. 4 para. 15 in force at 6.3.2007 for E. by [S.I. 2007/390](#), **art. 2(b)**
- I55** Sch. 4 para. 15 in force at 18.1.2008 for W. by [S.I. 2007/3371](#), **art. 2(a)**

<sup>F7</sup>16 . . . . .

**Textual Amendments**

- F7** Sch. 4 paras. 16-19 repealed (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [s. 185\(1\)](#), **Sch. 11 para. 50** (with [ss. 21, 33, 42, 58, 75, 93](#)); [S.I. 2014/2590](#), [art. 3\(g\)\(viii\)\(ee\)](#) (as renumbered (20.10.2014) by [S.I. 2014/2754](#), [arts. 1, 3\(b\)](#))

<sup>F7</sup>17 . . . . .

**Textual Amendments**

- F7** Sch. 4 paras. 16-19 repealed (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [s. 185\(1\)](#), **Sch. 11 para. 50** (with [ss. 21, 33, 42, 58, 75, 93](#)); [S.I. 2014/2590](#), [art. 3\(g\)\(viii\)\(ee\)](#) (as renumbered (20.10.2014) by [S.I. 2014/2754](#), [arts. 1, 3\(b\)](#))

<sup>F7</sup>18 . . . . .

**Textual Amendments**

- F7** Sch. 4 paras. 16-19 repealed (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [s. 185\(1\)](#), **Sch. 11 para. 50** (with [ss. 21, 33, 42, 58, 75, 93](#)); [S.I. 2014/2590](#), [art. 3\(g\)\(viii\)\(ee\)](#) (as renumbered (20.10.2014) by [S.I. 2014/2754](#), [arts. 1, 3\(b\)](#))

<sup>F7</sup>19 . . . . .

**Textual Amendments**

- F7** Sch. 4 paras. 16-19 repealed (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [s. 185\(1\)](#), **Sch. 11 para. 50** (with [ss. 21, 33, 42, 58, 75, 93](#)); [S.I. 2014/2590](#), [art. 3\(g\)\(viii\)\(ee\)](#) (as renumbered (20.10.2014) by [S.I. 2014/2754](#), [arts. 1, 3\(b\)](#))

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## SCHEDULE 5 **E+W**

Section 107

### REPEALS

#### PART 1 **E+W**

##### VEHICLES

###### Commencement Information

- I56** Sch. 5 Pt. 1 in force at 18.10.2005 for specified purposes for E. by S.I. 2005/2896, art. 3(j)  
**I57** Sch. 5 Pt. 1 in force at 27.10.2006 for specified purposes for W. by S.I. 2006/2797, art. 2(t)  
**I58** 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)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
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.

#### PART 2 **E+W**

##### LITTER AND REFUSE

###### Commencement Information

- I59** 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)  
**I60** 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(c)  
**I61** 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)

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<i>Short title and chapter</i>	<i>Extent of repeal</i>
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 **E+W**

#### GRAFFITI AND OTHER DEFACEMENT

##### Commencement Information

- I62** Sch. 5 Pt. 3 in force at 6.4.2006 for E. by S.I. 2006/795, art. 2(3), Sch. 2  
**I63** Sch. 5 Pt. 3 in force at 18.1.2008 for specified purposes for W. by S.I. 2007/3371, art. 2(b)  
**I64** 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)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
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.

### PART 4 **E+W**

#### WASTE

##### Commencement Information

- I65** Sch. 5 Pt. 4 in force for certain purposes at 7.6.2005, see s. 108(4)  
**I66** 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)  
**I67** 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)  
**I68** 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)



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<b>Short title and chapter</b>	<b>Extent of repeal</b>
Control of Pollution (Amendment) Act 1989 (c. 14)	Section 1(4)(c) and the preceding “or”. In section 2— (a) in subsection (2)(c), the words “free of charge”; (b) subsection (2)(d); (c) in subsection (2)(e), the words “free of charge”; (d) subsection (3)(b); (e) subsection (3A)(a). Section 6.
Environmental Protection Act 1990 (c. 43)	Section 30(5). Section 32. Section 33(7)(b). In section 48— (a) in subsection (4), the words “with a waste disposal contractor” and “for the contractor”; (b) in subsection (6), the words “, subject to subsection (7) below,”; (c) subsection (7). In section 51— (a) in subsection (1), the words from “in either case” to the end; (b) subsection (4)(b) to (d); (c) subsections (5) and (6). In section 55(2)(a) and (b), the words “with waste disposal contractors for them”. In section 60(2)(a) and (b), the word “, contractor”. In section 77— (a) in subsection (1), the definitions of “existing disposal authority”, “existing disposal plan”, “relevant part of its undertaking” and “the vesting date”; (b) subsection (4); (c) subsections (6) to (9). Schedule 2.

## PART 5 **E+W**

### DOG CONTROLS

#### Commencement Information

**I69** 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)

**I70** 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))

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<i>Short title and chapter</i>	<i>Extent of repeal</i>
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 **E+W**

### STRAY DOGS

#### Commencement Information

**I71** Sch. 5 Pt. 6 in force at 6.4.2008 by S.I. 2008/956, art. 2(b)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
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.

## PART 7 **E+W**

### NOISE

#### Commencement Information

**I72** Sch. 5 Pt. 7 in force at 6.4.2006 for E. by S.I. 2006/795, art. 2(3), Sch. 2

**I73** 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).

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Section 9(3).  
In section 9(4A), the word “and” at the end of paragraph (a).

## PART 8 E+W

### ARCHITECTURE AND THE BUILT ENVIRONMENT

#### Commencement Information

I74 Sch. 5 Pt. 8 in force at 1.1.2006 by S.I. 2005/3439, art. 2

#### Short title and chapter

Environmental Protection Act 1990

#### Extent of repeal

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 E+W

### USE OF FIXED PENALTY RECEIPTS

#### Commencement Information

I75 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)

I76 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)

I77 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))

I78 Sch. 5 Pt. 9 in force at 18.1.2008 for specified purposes for W. by S.I. 2007/3371, art. 2(d)

I79 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

#### Short title and chapter

Local Government Act 2003 (c. 26)

#### Extent of repeal

Section 100(2)(f).  
Section 119.

Anti-social Behaviour Act 2003 (c. 38)

Section 45(3) to (9).

## PART 10 E+W

### CONTAMINATED LAND

#### Commencement Information

I80 Sch. 5 Pt. 10 in force at 4.8.2006 for specified purposes for E. by S.I. 2006/1361, art. 2

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<p><b>181</b> <a href="#">Sch. 5 Pt. 10</a> in force at 10.12.2006 (being the day on which S.I. 2006/2989 came into force) for W. by <a href="#">S.I. 2006/768, art. 4(b)</a></p>
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<b><i>Short title and chapter</i></b>	<b><i>Extent of repeal</i></b>
Environmental Protection Act 1990 (c. 43)	<p>In section 78L—</p> <p>(a) in subsection (4), paragraph (b) and, in paragraph (c), the words from “or on” to the end;</p> <p>(b) in subsection (6), the words “, so far as relating to appeals to the Secretary of State,”.</p>

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**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 98 heading word inserted by [S.I. 2024/365 reg. 3\(c\)\(i\)](#)
- s. 96 heading words inserted by [S.I. 2024/365 reg. 3\(b\)\(i\)](#)
- s. 96(1)(a) words inserted by [S.I. 2024/365 reg. 3\(b\)\(ii\)](#)
- s. 96(1)(b) words inserted by [S.I. 2024/365 reg. 3\(b\)\(ii\)](#)
- s. 96(4)(d) words inserted by [S.I. 2024/365 reg. 3\(b\)\(iii\)\(aa\)](#)
- s. 96(6) words inserted by [S.I. 2024/365 reg. 3\(b\)\(iii\)\(bb\)](#)
- s. 96(7) words inserted by [S.I. 2024/365 reg. 3\(b\)\(iii\)\(cc\)](#)
- s. 96(8) words inserted by [S.I. 2024/365 reg. 3\(b\)\(iii\)\(dd\)](#)
- s. 96(9) words inserted by [S.I. 2024/365 reg. 3\(b\)\(iii\)\(ee\)](#)
- s. 96(9)(b) word substituted by [S.I. 2024/365 reg. 3\(b\)\(iv\)](#)
- s. 98(1) words substituted by [S.I. 2024/365 reg. 3\(c\)\(ii\)](#)
- s. 98(2) word inserted by [S.I. 2024/365 reg. 3\(c\)\(iii\)](#)
- s. 98(3) word inserted by [S.I. 2024/365 reg. 3\(c\)\(iii\)](#)
- s. 98(4) words substituted by [S.I. 2024/365 reg. 3\(c\)\(iv\)](#)

**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](#)