

2006 No. 795 (C. 19)

ENVIRONMENTAL PROTECTION, ENGLAND

**The Clean Neighbourhoods and Environment Act 2005
(Commencement No.1, Transitional and Savings Provisions)
(England) Order 2006**

Made - - - -

9th March 2006

The Secretary of State makes the following Order in exercise of the powers conferred by section 108(1)(a), (3)(h), (i) and (j) and (5) of the Clean Neighbourhoods and Environment Act 2005(a):

Citation, interpretation and application

1.—(1) This Order may be cited as the Clean Neighbourhoods and Environment Act 2005 (Commencement No.1, Transitional and Savings Provisions) (England) Order 2006.

(2) In this Order “the 2005 Act” means the Clean Neighbourhoods and Environment Act 2005.

(3) This Order applies in England only.

Commencement of provisions

2.—(1) The provisions of the 2005 Act specified in the first column of Schedule 1 shall come into force (where applicable, to the extent specified in the second column of that Schedule) on 14th March 2006.

(2) Section 2 of the 2005 Act shall come into force on 1st April 2006.

(3) The provisions of the 2005 Act specified in the first column of Schedule 2 shall come into force (where applicable, to the extent specified in the second column of that Schedule) on 6th April 2006.

Transitional provisions: London Local Authorities Act 1994 and the City of Newcastle upon Tyne Act 2000

3.—(1) Paragraph 2 applies notwithstanding the repeal of—

(a) section 4 of the London Local Authorities Act 1994(b) (“section 4”); and

(b) section 22 of the City of Newcastle upon Tyne Act 2000(c), (“section 22”),

by Part 2 of Schedule 5 to the 2005 Act and the coming into force of section 23 (controls on free distribution of printed matter) of the 2005 Act.

(a) 2005 c.16.
(b) 1994 c.xii.
(c) 2000 c.viii.

(2) Any designation of a place made under section 4 or section 22 and having effect immediately before 6th April 2006, shall continue to have effect, subject to the powers under those sections either to rescind or vary the designation until—

- (a) 6th October 2006; or
- (b) its expiry;

whichever is the earlier.

Savings: Dogs (Fouling of Land) Act 1996

4.—(1) Subject to paragraph (2) and notwithstanding its repeal by section 65 of, and Part 5 of Schedule 5 to, the 2005 Act, the Dogs (Fouling of Land) Act 1996^(a) (“the 1996 Act”) shall continue to have effect in respect of any land which is designated land immediately before 6th April 2006.

(2) Any land which is designated land immediately before 6th April 2006 shall cease to be designated land after 5th April 2006—

- (a) to the extent that a dog control order (whether or not it relates to the fouling of land by dogs) made under section 55 of the 2005 Act applies in respect of it;
- (b) if the designation order in question is revoked; or
- (c) if the designation order in question is amended so as to reduce the extent of the designated land, to the extent of that reduction.

(3) In respect of the continued effect of the 1996 Act—

- (a) section 88(2) to (8) of the Environmental Protection Act 1990^(b), as applied by section 4(2) and (3) of the 1996 Act, shall continue to apply as if the amendments made by section 19 of the 2005 Act to section 88 of the Environmental Protection Act 1990 had not been made;
- (b) notwithstanding their repeal by Part 5 of Schedule 5 to the 2005 Act, paragraph 1(2)(c) of Schedule 4 and paragraph 1(2)(b) of Schedule 5 to the Police Reform Act 2002^(c) shall continue to have effect;
- (c) notwithstanding its repeal by Part 9 of Schedule 5 to the 2005 Act, section 119 of the Local Government Act 2003^(d) shall continue to have effect as if section 119(2)(a), (3)(a) and (c) and (4) were deleted.

(4) In this article—

“designated land” has the meaning given in section 2(1) of the 1996 Act; and

“designation order” means an order made under section 2(1) of the 1996 Act.

Ben Bradshaw

Parliamentary Under Secretary of State

Department for Environment, Food and Rural Affairs

Date 9th March 2006

(a) 1996 c.20.

(b) 1990 c.43; section 119(1) of the Local Government Act 2003 (c.26) provides that section 88(6)(a) of the Environmental Protection Act 1990 ceases to have effect in its application both to the latter Act and, by virtue of section 4(2) of the Dogs (Fouling of Land) Act 1996 (c.20), to fixed penalties for dog fouling offences.

(c) 2002 c.30.

(d) 2003 c.26.

SCHEDULE 1

Article 2(1)

Provisions of the 2005 Act coming into force on 14th March 2006

<i>Provisions commenced</i>	<i>Extent of Commencement</i>
Section 6	for the purposes of enabling regulations to be made by the Secretary of State (as the appropriate person in relation to England ^(a)) under section 6(11)
Section 8	for the purposes of enabling regulations to be made by the Secretary of State (as the appropriate person in relation to England) under section 8(2)(d)
Section 9	
Section 19(1) and (6)	Section 19(1) is commenced only to the extent that is necessary for the commencement of section 19(6)
Section 30(2)	
Section 55	for the purposes of enabling regulations to be made by the Secretary of State (as the appropriate person in relation to England ^(b)) under section 55(4) and (5)
Section 56	
Section 57	for the purposes of enabling an order to be made by the Secretary of State (as the appropriate person in relation to England) under section 57(3)
Section 59	for the purposes of enabling regulations to be made by the Secretary of State (as the appropriate person in relation to England) under section 59(12)
Section 60	for the purposes of enabling regulations to be made by the Secretary of State (as the appropriate person in relation to England) under section 60(4) and (5)
Section 66	
Section 67	
Section 74	for the purposes of enabling regulations to be made by the Secretary of State (as the appropriate person in relation to England ^(c)) under section 74(4) and (5)
Section 75	for the purposes of enabling regulations to be made by the Secretary of State (as the appropriate person in relation to England) under section 75(2)(d) and (3)
Section 80	
Section 81	
Section 83	in so far as not already in force
Section 84	for the purposes of bringing into force paragraph 12(4) of Schedule 1 to the 2005 Act

Section 96	for the purposes of enabling regulations to be made by the Secretary of State (as the appropriate person in relation to England) under section 96(4)(d) and (5) ^(d)
Section 97	
Section 98	
Schedule 1	paragraph 12(4)

- ^(a) the definition of “the appropriate person” is in section 9(2).
^(b) the definition of “the appropriate person” is in section 66.
^(c) the definition of “the appropriate person” is in section 81.
^(d) the definition of “the appropriate person” is in section 98(1).

SCHEDULE 2

Article 2(3)

Provisions of the 2005 Act coming into force on 6th April 2006

<i>Provisions commenced</i>	<i>Extent of Commencement</i>
Section 6	in so far as not already in force
Section 7	
Section 8	in so far as not already in force
Section 10	
Section 19	in so far as not already in force
Section 20	
Section 21	
Section 22	
Section 23	
Section 24	
Section 25	
Section 28	
Section 29	
Section 30(1)	
Section 31	
Section 34	
Section 37	for the purposes of substituting section 5 (but excluding section 5(2)(d)) of the Control of Pollution (Amendment) Act 1989 ^(a)
Section 38	
Section 45	
Section 48	
Section 50	
Section 52	
Section 55	in so far as not already in force
Section 57	in so far as not already in force
Section 58	
Section 59	in so far as not already in force
Section 60	in so far as not already in force
Section 61	

Section 62	
Section 63	
Section 64	
Section 65	
Section 69	
Section 70	
Section 71	
Section 72	
Section 73	
Section 74	in so far as not already in force
Section 75	in so far as not already in force
Section 76	
Section 77	
Section 78	
Section 79	
Section 82	
Section 84	for the purposes of bringing into force paragraphs 2, 7(2)(a) and (3), (8)(2) and 12(2), (5) and (6) of Schedule 1 to the 2005 Act
Section 86	
Section 96	in so far as not already in force
Section 99	
Section 100	
Section 101	
Section 102	
Section 103	
Schedule 1	paragraphs 2, 7(2)(a) and (3), 8(2), and 12(2), (5) and (6)
Part 2 of Schedule 5	in respect of the repeals of the London Local Authorities Act 1994 ^(b) and the City of Newcastle upon Tyne Act 2000 ^(c)
Part 3 of Schedule 5	
Part 5 of Schedule 5	
Part 7 of Schedule 5	
Part 9 of Schedule 5	in respect of the repeal to section 119 of the Local Government Act 2003 ^(d)

^(a) 1989 c.14; section 5 is substituted by section 37 of the 2005 Act.

^(b) 1994 c.xii.

^(c) 2000 c.viii.

^(d) 2003 c.26.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force in England the provisions of the Clean Neighbourhoods and Environment Act 2005 set out in Schedule 1 on 14th March 2006 (*article 2(1)*).

This Order brings into force in England section 2 of the Clean Neighbourhoods and Environment Act 2005 on 1st April 2006 (*article 2(2)*).

This Order brings into force in England the provisions of the Clean Neighbourhoods and Environment Act 2005 set out in Schedule 2 on 6th April 2006 (*article 2(3)*).

Article 3 contains transitional provisions permitting any designation of a place, for the purpose of controlling the distribution of free literature, under either section 4 of the London Local Authorities Act 1994 (c.xii) or section 2 of the City of Newcastle upon Tyne Act 2000 (c.viii) to continue to apply (notwithstanding the repeal of those provisions) until immediately before the 6th October 2006 or the expiry of the designation, if earlier.

Article 4 makes savings under which the Dogs (Fouling of Land) Act 1996 (c.20) shall continue to apply in respect of land that is “designated land” under that Act immediately before 6th April 2006.

STATUTORY INSTRUMENTS

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