
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force the following provisions of the Clean Neighbourhoods and Environment Act 2005 (“the 2005 Act”) on 16 March 2006—

- (a) section 47 (and, insofar as it relates thereto, Part 4 of Schedule 5);
- (b) section 53;
- (c) paragraph 4 of Schedule 4; and
- (d) other provisions to the extent that they enable the National Assembly for Wales (“the National Assembly”) to make, give or issue subordinate legislation.

This Order also brings into force, on the date on which the Contaminated Land (Wales) Regulations 2006 come into force, section 104 (insofar as it is not brought into force by this Order on 16 March 2006) of, and Part 10 of Schedule 5 to, the 2005 Act.

Article 2 of this Order—

- (a) repeals section 32 of, and Schedule 2 to, the Environmental Protection Act 1990, which will abolish the requirement for local authorities to contract-out their waste disposal functions (section 47 of the 2005 Act);
- (b) makes certain consequential repeals to the Environmental Protection Act 1990 (Part 4 of Schedule 5 to the 2005 Act);
- (c) gives effect to a minor amendment to section 60(1) of the Environmental Protection Act 1990 relating to the interference with waste sites and receptacles for waste (paragraph 4 of Schedule 4 to the 2005 Act); and
- (d) enables waste collection authorities to use their powers of investigation under section 108 of the Environment Act 1995 to investigate incidents or offences in relation to the discharge of any of their functions under Part 2 of the Environmental Protection Act 1990 (section 53 of the 2005 Act).

Article 3 of this Order brings into force a number of provisions of the 2005 Act to the extent that they enable the National Assembly to make, give or issue subordinate legislation (or to make provision by such means).

Article 4 of this Order brings section 104 of the 2005 Act into force (insofar as it is not already in force by virtue of article 3 of this Order). Section 104 amends the arrangements for appeals against remediation notices served under section 78E of the Environmental Protection Act 1990, and brings into force the related repeal in Part 10 of Schedule 5 to the 2005 Act.

Article 5 of this Order makes a saving relating to the commencement of section 47 of the 2005 Act.