
Changes to legislation: Clean Neighbourhoods and Environment Act 2005, SCHEDULE 4 is up to date with all changes known to be in force on or before 10 August 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 4

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

- 11** Sch. 4 para. 3(1)-(4) in force at 6.4.2006 by S.I. 2006/656, art. 3(e)(i)
- 12** 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,

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by a parish or community council or by a holder of a waste management licence; or ”.

Commencement Information

- I3** Sch. 4 para. 4 in force at 18.10.2005 for E. by S.I. 2005/2896, art. 3(i)
I4 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

- I5** Sch. 4 para. 5 in force at 6.3.2007 for E. by S.I. 2007/390, art. 2(a)
I6 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

- I7** Sch. 4 para. 6 in force at 6.3.2007 for E. by S.I. 2007/390, art. 2(a)
I8 Sch. 4 para. 6 in force at 18.1.2008 for W. by S.I. 2007/3371, art. 2(a)

F17

Textual Amendments

- F1** 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

- I9** Sch. 4 para. 8 in force at 6.3.2007 for E. by S.I. 2007/390, art. 2(a)
I10 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) ”.

Commencement Information

- I11** Sch. 4 para. 9 in force at 6.3.2007 for E. by S.I. 2007/390, art. 2(a)
I12 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—

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“(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.

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Textual Amendments

F2 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

I13 Sch. 4 para. 14 in force at 6.3.2007 for E. by [S.I. 2007/390](#), art. 2(b)
I14 Sch. 4 para. 14 in force at 18.1.2008 for W. by [S.I. 2007/3371](#), art. 2(a)

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

Commencement Information

I15 Sch. 4 para. 15 in force at 6.3.2007 for E. by [S.I. 2007/390](#), art. 2(b)
I16 Sch. 4 para. 15 in force at 18.1.2008 for W. by [S.I. 2007/3371](#), art. 2(a)

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Textual Amendments

F3 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))

^{F3}17

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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