



Clean Neighbourhoods and Environment Act 2005

CHAPTER 16

CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

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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)

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SCHEDULES

SCHEDULE 1 — Application of the Noise Act 1996 to licensed premises etc

- 1 The Noise Act 1996 (c. 37) is amended as follows...
- 2 In the heading to section 2, omit “from a dwelling”....
- 3 (1) Section 2 (investigations of complaints of noise) is amended...
- 4 (1) Section 3 (warning notices) is amended as follows.
- 5 In the heading to section 4, after “where noise” insert...
- 6 After section 4 insert— Offence where noise from other premises...
- 7 (1) Section 5 (permitted level of noise) is amended as...
- 8 (1) Section 6 (approval of measuring devices) is amended as...
- 9 (1) Section 7 (evidence) is amended as follows.
- 10 (1) Section 8 (fixed penalty notices) is amended as follows....
- 11 (1) Section 8A (amount of fixed penalty), as inserted by...
- 12 (1) Section 9 (section 8: supplementary) is amended as follows....
- 13 (1) Section 10 (powers of entry and seizure etc) is...
- 14 In the Schedule (powers in relation to seized equipment) in...

SCHEDULE 2 — Commission for Architecture and the Built Environment

Status

- 1 (1) The Commission is not to be regarded as the...

Membership

- 2 (1) The Secretary of State must— (a) appoint the members...

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Tenure

- 3 (1) The Secretary of State may not appoint a person...

Staff etc

- 4 (1) The Commission may appoint staff, agents and advisers.

Committees

- 5 (1) The Commission may establish one or more committees.

Remuneration etc

- 6 (1) The Commission may pay to or in respect of...

Delegation

- 7 The Commission may delegate any of its functions to—

Proceedings

- 8 (1) The Commission may, subject to the other provisions of...

Accounts

- 9 (1) The Commission must— (a) keep proper accounting records, and...

Annual report

- 10 (1) The Commission must send to the Secretary of State...

Instruments and authentication

- 11 (1) The fixing of the seal of the Commission must...

Records

- 12 In Schedule 1 to the Public Records Act 1958 (c....

Disqualification

- 13 In the House of Commons Disqualification Act 1975 (c. 24),...

Transitional provisions

- 14 (1) A person who immediately before the appointed day was...

Interpretation

- 15 (1) The appointed day is the day on which section...

SCHEDULE 3 — Transfer of staff, property etc from the old Commission

Transfer of staff

- 1 For the purposes of TUPE— (a) the functions conferred on...
2 In paragraph 1 “TUPE” means the Transfer of Undertakings
(Protection...

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Transfer of property, rights and liabilities

- 3 All property, rights and liabilities to which the old Commission...
- 4 The reference in paragraph 3 to rights and liabilities does...
- 5 Paragraph 3 has effect in relation to property, rights and...
- 6 Anything done by or in relation to the old Commission...
- 7 Anything (including legal proceedings) which immediately before the appointed day...
- 8 So far as is necessary or appropriate in consequence of...

The appointed day

- 9 The appointed day is the day on which section 92...

SCHEDULE 4 — Minor and consequential amendments

Highways Act 1980 (c. 66)

- 1 In section 325 of the Highways Act 1980, in subsection...

Environmental Protection Act 1990 (c. 43)

- 2 The Environmental Protection Act 1990 is amended as follows.
- 3 (1) Section 52 is amended as follows.
- 4 In section 60(1)— (a) in paragraph (a), for the words...
- 5 In section 89(1), at the end of paragraph (e) insert...
- 6 In section 91(1), at the end of paragraph (e) insert...
- 7 In section 92(1), at the end of paragraph (b) insert...
- 8 In section 95(1), after paragraph (b) insert and
- 9 In section 96(1)(b), after “section 92(9)” insert “ or 92C(3)...
- 10 (1) Section 161 is amended as follows.

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

- 11 (1) Section 8 of the Control of Pollution (Amendment) Act...

Anti-social Behaviour Act 2003 (c. 38)

- 12 The Anti-social Behaviour Act 2003 is amended as follows.
- 13 In section 41(3), in the definition of “temporary event notice”...
- 14 In section 45, for subsection (1) substitute—
- 15 In section 47(1), after “sections 43” insert “ to 43B...
- 16 In the cross-heading preceding section 48, after “graffiti” insert “...
- 17 (1) Section 48 is amended as follows.
- 18 In sections 49(1) and 51(1) and (3), for “graffiti removal...
- 19 In the heading to section 52, for “graffiti removal notices”...

SCHEDULE 5 — Repeals

- Part 1 — VEHICLES
- Part 2 — LITTER AND REFUSE
- Part 3 — GRAFFITI AND OTHER DEFACEMENT
- Part 4 — WASTE
- Part 5 — DOG CONTROLS
- Part 6 — STRAY DOGS
- Part 7 — NOISE
- Part 8 — ARCHITECTURE AND THE BUILT ENVIRONMENT

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- Part 9 — USE OF FIXED PENALTY RECEIPTS
- Part 10 — CONTAMINATED LAND

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Changes and effects yet to be applied to :

- Pt. 6 Ch. 1 excluded by S.I. 2006/779 art. 3 Sch.
- Pt. 6 Ch. 1 excluded by S.I. 2009/2829 art. 3 Sch.
- s. 1 repealed by 2006 c. 48 Sch. 15 Pt. 3
- s. 46(1) text amended by S.I. 2005/2900 art. 3
- s. 54(1) text amended by 2010 nawm 8 Sch. para. 1(2)(a)
- s. 54(1)(a) text amended by 2010 nawm 8 Sch. para 1(2)(b)
- s. 54(8) text amended by 2010 nawm 8 Sch. para 1(3)
- s. 54(9) text amended by 2010 nawm 8 Sch. para 1(4)
- s. 90(4) text amended by S.I. 2006/246 Sch. 2 para. 1(k)
- s. 105(2) text amended by 2008 c. 27 s. 88(1)

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. 2005/1675 art. 2 commences (2005 c. 16)
- S.I. 2005/2896 art. 2 3 commences (2005 c. 16)
- S.I. 2005/3439 art. 2 commences (2005 c. 16)
- S.I. 2006/656 art. 2 3 commences (2005 c. 16)
- S.I. 2006/768 art. 2-4 commences (2005 c. 16)
- S.I. 2006/795 art. 2 Sch. 1 2 commences (2005 c. 16)
- S.I. 2006/1361 art. 2 commences (2005 c. 16)
- S.I. 2006/2006 art. 2 commences (2005 c. 16)
- S.I. 2007/390 art. 2 commences (2005 c. 16)
- S.I. 2007/3371 art. 2 commences (2005 c. 16)
- S.I. 2008/956 art. 2 commences (2005 c. 16)

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2006/1002 art. 2 amendment to earlier commencing SI 2005/2896 art. 6(1)
- S.I. 2006/2797 art. 11 amendment to earlier commencing SI 2006/768
- S.I. 2007/120 art. 3 amendment to earlier commencing SI 2006/2797 art. 5-7
- S.I. 2007/1614 art. 2 3 commences (2006 c. 48)
- S.I. 2007/3073 art. 2 commences (2006 c. 48)