

*These notes refer to the Clean Neighbourhoods and Environment Act 2005 (c.16) which received Royal Assent on 7 April 2005*

# **CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### *Commentary on Sections*

#### **Part 9: Miscellaneous**

#### **Statutory nuisances**

#### *Section 102 Statutory nuisance: lighting*

260. *Section 102* amends section 79 of the Environmental Protection Act 1990 so as to provide that the statutory nuisances listed in that section include “artificial light emitted from premises so as to be prejudicial to health or a nuisance”. This has the effect of subjecting nuisance lighting to the statutory nuisance regime in Part 3 of the Environmental Protection Act 1990.
261. *Subsections (3) to (6)* make provision about exempting artificial lighting emitted from certain premises from constituting a statutory nuisance: such premises include those occupied for defence purposes, various transport-related premises, and prisons.
262. Section 79(8) of the Environmental Protection Act 1990 refers to existing arrangements under which a port health authority has responsibility for dealing with some statutory nuisances. *Subsection (7)* has the effect of excluding nuisance lighting from these arrangements.