

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

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Part 9: Miscellaneous

Statutory nuisances

Section 103 Sections 101 and 102: supplementary

263. **Section 103** amends section 80(8) and section 82(10) of the Environmental Protection Act 1990 so that the defence of having used best practicable means to prevent, or counteract the effects of, a statutory nuisance will only be available for either of the new statutory nuisances if the nuisance arises on industrial, trade or business premises, and, in the case of nuisance lighting, if the nuisance arises because of lights used to illuminate an outdoor relevant sports facility, that is to say a facility used for a relevant sport. The Secretary of State, in relation to England, and the National Assembly for Wales, in relation to Wales, are given a power to designate by order which sports are relevant sports.