



# Clean Neighbourhoods and Environment Act 2005

## 2005 CHAPTER 16

### PART 5

#### WASTE

### CHAPTER 2

#### DEPOSIT AND DISPOSAL OF WASTE

#### *Supplementary*

#### **51 “Appropriate person”**

In section 29 of the Environmental Protection Act 1990 (c. 43), after subsection (1) insert—

“(1A) “Appropriate person” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the National Assembly for Wales.”

#### **52 Use of fixed penalty receipts**

In the Environmental Protection Act 1990 (c. 43), after section 73 insert—

#### **“73A Use of fixed penalty receipts**

- (1) The Environment Agency must pay amounts received by it under section 34A above to the Secretary of State.

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**Changes to legislation:** *Clean Neighbourhoods and Environment Act 2005, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 17 July 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*

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- (2) A waste collection authority may use amounts received by it under section 34A or 47ZA above (its “fixed penalty receipts”) only for the purposes of—
- (a) its functions under this Part (including functions relating to the enforcement of offences under this Part); and
  - (b) such other of its functions as may be specified in regulations made by the appropriate person.
- (3) Regulations under subsection (2)(b) above may (in particular) have the effect that a waste collection authority may use its fixed penalty receipts for the purposes of any of its functions.
- (4) A waste collection authority must supply the appropriate person with such information relating to its use of its fixed penalty receipts as the appropriate person may require.
- (5) The appropriate person may by regulations—
- (a) make provision for what a waste collection authority is to do with its fixed penalty receipts—
    - (i) pending their being used for the purposes of functions of the authority referred to in subsection (2) above;
    - (ii) if they are not so used before such time after their receipt as may be specified by the regulations;
  - (b) make provision for accounting arrangements in respect of a waste collection authority's fixed penalty receipts.
- (6) The provision that may be made under subsection (5)(a)(ii) above includes (in particular) provision for the payment of sums to a person (including the appropriate person) other than the waste collection authority.
- (7) Before making regulations under this section, the appropriate person must consult—
- (a) the waste collection authorities to which the regulations are to apply;
  - (b) such other persons as the appropriate person thinks fit.
- (8) Regulations under this section may make different provision for different purposes (including different provision in relation to different authorities or different descriptions of authority).
- (9) The powers to make regulations conferred by this section are, for the purposes of subsection (1) of section 100 of the Local Government Act 2003, to be regarded as included among the powers mentioned in subsection (2) of that section.”

#### Commencement Information

- I1** S. 52 in force at 16.3.2006 for specified purposes for W. by S.I. 2006/768, art. 3
- I2** S. 52 in force at 6.4.2006 for E. by S.I. 2006/795, art. 2(3), Sch. 2
- I3** S. 52 in force at 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W. in so far as not already in force by S.I. 2006/2797, art. 4(t)

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### 53 Supplementary enforcement powers

In section 108 of the Environment Act 1995 (c. 25) (powers of enforcing authorities etc), in subsection (15), in the definition of “pollution control functions” in relation to a waste collection authority, for “conferred on it by section 59” substitute “conferred or imposed on it by or under Part 2”.

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#### Commencement Information

**I4** S. 53 in force at 18.10.2005 for E. by S.I. 2005/2896, art. 3(h)

**I5** S. 53 in force at 16.3.2006 for W. by S.I. 2006/768, art. 2(b)

**Changes to legislation:**

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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