



# Clean Neighbourhoods and Environment Act 2005

## 2005 CHAPTER 16

### PART 9

#### MISCELLANEOUS

#### *Shopping and luggage trolleys*

#### **100 Section 99: transitional provision**

- (1) This section applies if, before the commencement date, a local authority in England and Wales has resolved under section 99 of the Environmental Protection Act 1990 that Schedule 4 to that Act is to apply in its area.
- (2) If the day specified in the resolution for the coming into force of Schedule 4 in the authority's area falls on or after the commencement date, the resolution is to be of no effect.
- (3) If Schedule 4 applies in the authority's area immediately before the commencement date, the Schedule is to continue to apply in the authority's area on and after the commencement date as it applied before that date.
- (4) But Schedule 4 shall not so apply in relation to any shopping or luggage trolley seized by the authority on or after the relevant day.
- (5) For the purposes of subsection (4) the relevant day is the earlier of—
  - (a) the third anniversary of the commencement date;
  - (b) if the authority resolves under section 99 of the Environmental Protection Act 1990 (c. 43) that Schedule 4 (as amended by section 99 of this Act) is to apply in its area, the day specified in the resolution as the day on which the Schedule (as so amended) comes into force in its area.

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**Changes to legislation:** Clean Neighbourhoods and Environment Act 2005, Section 100 is up to date with all changes known to be in force on or before 18 September 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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- (6) So long as Schedule 4 continues to apply as described in subsection (3), the reference in section 99(4) of the Environmental Protection Act 1990 to Schedule 4 is to be treated as including a reference to Schedule 4 as it so applies.
- (7) If the authority resolves under section 99 that Schedule 4 (as amended by section 99 of this Act) is to apply in its area, the authority may not in giving effect to paragraph 4(1) of Schedule 4 (as so amended) take into account charges payable in relation to shopping or luggage trolleys seized before the Schedule (as so amended) comes into force in its area.
- (8) Nothing in this section prevents the authority from bringing to an end the application of Schedule 4 in its area.
- (9) In this section—
- “the commencement date” is the day on which section 99 of this Act comes into force;
  - “local authority” has the same meaning as in section 99 of the Environmental Protection Act 1990;
  - “luggage trolley” and “shopping trolley” have the same meaning as in Schedule 4 to that Act.

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#### Commencement Information

- I1** S. 100 in force at 6.4.2006 for E. by [S.I. 2006/795](#), [art. 2\(3\)](#), [Sch. 2](#)
- I2** S. 100 in force at 27.10.2006 for W. by [S.I. 2006/2797](#), [art. 2\(s\)](#)

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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](#)