



# Clean Neighbourhoods and Environment Act 2005

## 2005 CHAPTER 16

### PART 9

#### MISCELLANEOUS

#### *Statutory nuisances*

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

- (1) Section 79 of the Environmental Protection Act 1990 (c. 43) is amended as follows.
- (2) In subsection (1) (matters constituting statutory nuisances) after paragraph (fa) (as inserted by section 101 (2)) insert—
  - “(fb) artificial light emitted from premises so as to be prejudicial to health or a nuisance;”.
- (3) In subsection (2) (exception from subsection (1)(b) and (g) for premises occupied for defence purposes) after “Subsection (1)(b)” insert “, (fb)”.
- (4) After subsection (5A) (as inserted by section 101 (3)) insert—
  - “(5B) Subsection (1)(fb) does not apply to artificial light emitted from—
    - (a) an airport;
    - (b) harbour premises;
    - (c) railway premises, not being relevant separate railway premises;
    - (d) tramway premises;
    - (e) a bus station and any associated facilities;
    - (f) a public service vehicle operating centre;
    - (g) a goods vehicle operating centre;
    - (h) a lighthouse;
    - (i) a prison.”

**Changes to legislation:** *Clean Neighbourhoods and Environment Act 2005, Section 102 is up to date with all changes known to be in force on or before 23 June 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*

(5) In subsection (7) (definitions) at the appropriate place insert—

““airport” has the meaning given by section 95 of the Transport Act 2000;”;

““associated facilities”, in relation to a bus station, has the meaning given by section 83 of the Transport Act 1985;”;

““bus station” has the meaning given by section 83 of the Transport Act 1985;”;

““goods vehicle operating centre”, in relation to vehicles used under an operator's licence, means a place which is specified in the licence as an operating centre for those vehicles, and for the purposes of this definition “operating centre” and “operator's licence” have the same meaning as in the Goods Vehicles (Licensing of Operators) Act 1995;”;

““harbour premises” means premises which form part of a harbour area and which are occupied wholly or mainly for the purposes of harbour operations, and for the purposes of this definition “harbour area” and “harbour operations” have the same meaning as in Part 3 of the Aviation and Maritime Security Act 1990;”;

““lighthouse” has the same meaning as in Part 8 of the Merchant Shipping Act 1995;”;

““prison” includes a young offender institution;”;

““public service vehicle operating centre”, in relation to public service vehicles used under a PSV operator's licence, means a place which is an operating centre of those vehicles, and for the purposes of this definition “operating centre”, “PSV operator's licence” and “public service vehicle” have the same meaning as in the Public Passenger Vehicles Act 1981;”;

““railway premises” means any premises which fall within the definition of “light maintenance depot”, “network”, “station” or “track” in section 83 of the Railways Act 1993;”;

““relevant separate railway premises” has the meaning given by subsection (7A);”;

““tramway premises” means any premises which, in relation to a tramway, are the equivalent of the premises which, in relation to a railway, fall within the definition of “light maintenance depot”, “network”, “station” or “track” in section 83 of the Railways Act 1993;”.

(6) After subsection (7) insert—

“(7A) Railway premises are relevant separate railway premises if—

(a) they are situated within—

(i) premises used as a museum or other place of cultural, scientific or historical interest, or

(ii) premises used for the purposes of a funfair or other entertainment, recreation or amusement, and

(b) they are not associated with any other railway premises.

(7B) For the purposes of subsection (7A)—

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- (a) a network situated as described in subsection (7A)(a) is associated with other railway premises if it is connected to another network (not being a network situated as described in subsection (7A)(a));
- (b) track that is situated as described in subsection (7A)(a) but is not part of a network is associated with other railway premises if it is connected to track that forms part of a network (not being a network situated as described in subsection (7A)(a));
- (c) a station or light maintenance depot situated as described in subsection (7A)(a) is associated with other railway premises if it is used in connection with the provision of railway services other than services provided wholly within the premises where it is situated.

In this subsection “light maintenance depot”, “network”, “railway services”, “station” and “track” have the same meaning as in Part 1 of the Railways Act 1993.”

- (7) In subsection (8) (port health authority to have functions of local authority under Part 3 of that Act, except those relating to statutory nuisance within section 79(1)(g) or (ga)) after “paragraph” insert “ (fb), ”.
- (8) In subsection (10) (consent of Secretary of State or National Assembly for Wales required before taking proceedings for certain statutory nuisances) after “paragraph (b), (d), (e)” insert “ , (fb) ”.

#### Commencement Information

- I1** S. 102 in force at 6.4.2006 for E. by S.I. 2006/795, art. 2(3), Sch. 2
- I2** S. 102 in force at 31.1.2007 (being the date on which S.I. 2007/120, art. 2, Sch. came into force) for W. by S.I. 2006/2797, art. 7(a) (as amended by S.I. 2007/120, art. 3(e)-(h))

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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