



Clean Neighbourhoods and Environment Act 2005

2005 CHAPTER 16

PART 9

MISCELLANEOUS

Statutory nuisances

103 Sections 101 and 102: supplementary

- (1) The Environmental Protection Act 1990 (c. 43) is amended as follows.
- (2) In section 80(8) (summary proceedings for statutory nuisances: defence of best practicable means not available in certain cases)—
 - (a) in paragraph (a) after “paragraph (a), (d), (e), (f)” insert “, (fa)”, and
 - (b) after paragraph (a) insert—
 - “(aza) in the case of a nuisance falling within paragraph (fb) of section 79(1) above except where—
 - (i) the artificial light is emitted from industrial, trade or business premises, or
 - (ii) the artificial light (not being light to which subparagraph (i) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility;”.
- (3) After section 80(8) insert—
 - “(8A) For the purposes of subsection (8)(aza) a relevant sports facility is an area, with or without structures, that is used when participating in a relevant sport, but does not include such an area comprised in domestic premises.

Changes to legislation: *Clean Neighbourhoods and Environment Act 2005, Section 103 is up to date with all changes known to be in force on or before 02 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*

(8B) For the purposes of subsection (8A) “relevant sport” means a sport that is designated for those purposes by order made by the Secretary of State, in relation to England, or the National Assembly for Wales, in relation to Wales.

A sport may be so designated by reference to its appearing in a list maintained by a body specified in the order.

(8C) In subsection (8A) “domestic premises” means—

- (a) premises used wholly or mainly as a private dwelling, or
- (b) land or other premises belonging to, or enjoyed with, premises so used.”

(4) In section 82(10) (summary proceedings by aggrieved person: defence of best practicable means not available in certain cases)—

- (a) in paragraph (a) after “paragraph (a), (d), (e), (f)” insert “, (fa)”, and
- (b) after paragraph (a) insert—

“(aza) in the case of a nuisance falling within paragraph (fb) of section 79(1) above except where—

- (i) the artificial light is emitted from industrial, trade or business premises, or
- (ii) the artificial light (not being light to which subparagraph (i) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility;”.

(5) After section 82(10) insert—

“(10A) For the purposes of subsection (10)(aza) “relevant sports facility” has the same meaning as it has for the purposes of section 80(8)(aza).”

Commencement Information

- I1** S. 103 in force at 16.3.2006 for specified purposes for W. by S.I. 2006/768, art. 3
- I2** S. 103 in force at 6.4.2006 for E. by S.I. 2006/795, art. 2(3), Sch. 2
- I3** S. 103(1)(2)(b)(3)(4)(b)(5) in force at 31.1.2007 (being the date on which S.I. 2007/120, art. 2, Sch. came into force) for W. in so far as not already in force by S.I. 2006/2797, art. 7(b) (as amended by S.I. 2007/120, art. 3(e)-(h))
- I4** S. 103(2)(a)(4)(a) in force at 31.1.2007 (being the date on which S.I. 2007/117 came into force) for W. in so far as not already in force by S.I. 2006/2797, art. 6(b) (as amended by S.I. 2007/120, art. 3(c)(d))

Changes to legislation:

Clean Neighbourhoods and Environment Act 2005, Section 103 is up to date with all changes known to be in force on or before 02 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.

[View outstanding changes](#)

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](#)