



Clean Neighbourhoods and Environment Act 2005

2005 CHAPTER 16

PART 9

MISCELLANEOUS

Pollution

104 Contaminated land: appeals against remediation notices

- (1) Section 78L of the Environmental Protection Act 1990 (c. 43) (appeals against remediation notices) is amended as follows.
- (2) In subsection (1), for paragraphs (a) and (b) substitute—
 - “(a) if it was served by a local authority in England, or served by the Environment Agency in relation to land in England, to the Secretary of State;
 - (b) if it was served by a local authority in Wales, or served by the Environment Agency in relation to land in Wales, to the National Assembly for Wales;”.
- (3) In that subsection, for the words from “means” to the end substitute “ the Secretary of State or the National Assembly for Wales, as the case may be ”.
- (4) In subsection (4)—
 - (a) omit paragraph (b);
 - (b) in paragraph (c), omit the words from “or on” to the end.
- (5) In subsection (6), omit the words “so far as relating to appeals to the Secretary of State”.

Changes to legislation: Clean Neighbourhoods and Environment Act 2005, Section 104 is up to date with all changes known to be in force on or before 11 August 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

- (6) This section does not have effect in relation to a remediation notice served under Part 2A of the Environmental Protection Act 1990 before the commencement of this section.
- (7) The power of the Secretary of State and National Assembly for Wales under section 114 of the Environment Act 1995 (c. 25) in relation to appeals under section 78L of the Environmental Protection Act 1990 extends to appeals under that section as amended by this section.

Commencement Information

- I1** [S. 104](#) in force at 16.3.2006 for specified purposes for W. by [S.I. 2006/768](#), [art. 3](#)
- I2** [S. 104](#) in force at 4.8.2006 for specified purposes for E. by [S.I. 2006/1361](#), [art. 2](#)
- I3** [S. 104](#) in force at 10.12.2006 (being the day on which [S.I. 2006/2989](#) came into force) for W. in so far as not already in force by [S.I. 2006/768](#), [art. 4\(a\)](#)

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](#)