

**2006 No. 1361 (C. 46)**

**ENVIRONMENTAL PROTECTION, ENGLAND**

**The Clean Neighbourhoods and Environment Act 2005  
(Commencement No. 2) (England) Order 2006**

*Made 17th May 2006*

The Secretary of State makes the following Order in exercise of the powers conferred by section 108(1)(a) and (2)(r) of the Clean Neighbourhoods and Environment Act 2005(a):

**Citation**

1. This Order may be cited as the Clean Neighbourhoods and Environment Act 2005 (Commencement No. 2) (England) Order 2006.

**Commencement of provisions**

2.—(1) Subject to paragraph (2), section 104 of, and Part 10 of Schedule 5 to, the Clean Neighbourhoods and Environment Act 2005 come into force on 4th August 2006.

(2) Paragraph (1) applies only in so far as the provisions to which it refers make amendments to section 78L of the Environmental Protection Act 1990(b) which relate to appeals against remediation notices served by a local authority in England or by the Environment Agency in relation to land in England.

17th May 2006

*Ian Pearson*  
Minister of State  
Department for Environment, Food and Rural Affairs

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order brings into force on 4th August 2006 section 104 of the Clean Neighbourhoods and Environment Act 2005 and Part 10 of Schedule 5 to that Act. These provisions amend section 78L of the Environmental Protection Act 1990 (c. 43), which relates to appeals against remediation notices. The provisions are commenced only in so far as they relate to appeals against remediation notices served by a local authority in England or by the Environment Agency in relation to land in England. They make the appellate authority the Secretary of State in relation to appeals against any remediation notice served on or after 4th August 2006.

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(a) 2005 c. 16.

(b) 1990 c. 43. Section 78L was inserted by the Environment Act 1995 (c. 25), section 57.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Clean Neighbourhoods and Environment Act 2005 have been brought into force in England by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s. 2	1.4.2006	2006/795 (C. 19)
s. 6	14.3.2006 & 6.4.2006	2006/795 (C. 19)
s. 7	6.4.2006	2006/795 (C. 19)
s. 8	14.3.2006 & 6.4.2006	2006/795 (C. 19)
s. 9	14.3.2006	2006/795 (C. 19)
s. 10	6.4.2006	2006/795 (C. 19)
ss. 11 to 13	18.10.2005	2005/2896 (C. 122)
ss. 15 to 17	18.10.2005	2005/2896 (C. 122)
s.19	14.3.2006 & 6.4.2006	2006/795 (C. 19)
ss. 20 to 25	6.4.2006	2006/795 (C. 19)
ss. 28 and 29	6.4.2006	2006/795 (C. 19)
s. 30	14.3.2006 & 6.4.2006	2006/795 (C. 19)
s. 31	6.4.2006	2006/795 (C. 19)
s. 34	6.4.2006	2006/795 (C. 19)
s. 37 (partially)	6.4.2006	2006/795 (C. 19)
s. 38	6.4.2006	2006/795 (C. 19)
s. 45	6.4.2006	2006/795 (C. 19)
s. 47	18.10.2005	2005/2896 (C. 122)
s. 48	6.4.2006	2006/795 (C. 19)
s. 50	6.4.2006	2006/795 (C. 19)
s. 52	6.4.2006	2006/795 (C. 19)
s. 53	18.10.2005	2005/2896 (C. 122)
s. 55	14.3.2006 & 6.4.2006	2006/795 (C. 19)
s. 56	14.3.2006	2006/795 (C. 19)
s. 57	14.3.2006 & 6.4.2006	2006/795 (C. 19)
s. 58	6.4.2006	2006/795 (C. 19)
s. 59	14.3.2006 & 6.4.2006	2006/795 (C. 19)
s. 60	14.3.2006 & 6.4.2006	2006/795 (C. 19)
ss. 61 to 65	6.4.2006	2006/795 (C. 19)
ss. 66 and 67	14.3.2006	2006/795 (C. 19)
ss. 69 to 73	6.4.2006	2006/795 (C. 19)
s. 74	14.3.2006 & 6.4. 2006	2006/795 (C. 19)
s. 75	14.3.2006 & 6.4.2006	2006/795 (C. 19)
ss. 76 to 79	6.4.2006	2006/795 (C. 19)
ss. 80 and 81	14.3.2006	2006/795 (C. 19)
s. 82	6.4.2006	2006/795 (C. 19)
s. 83(1) and (3)(a)	14.3.2006	2006/795 (C. 19)
s. 84 & Sch. 1 (partially)	14.3.2006 & 6.4.2006	2006/795 (C. 19)

(a) Subsection (2) of section 83 was brought into force by section 108(4) of the 2005 Act.

s. 86	6.4.2006	2006/795 (C. 19)
s. 96	14.3.2006 & 6.4.2006	2006/795 (C. 19)
ss. 97 and 98	14.3.2006	2006/795 (C. 19)
ss. 99 to 103	6.4.2006	2006/795 (C. 19)
Sch. 4 (partially)	18.10.2005	2005/2896 (C. 122)
Sch. 5 (partially)	18.10.2005 & 6.4.2006	2005/2896 (C. 122) & 2006/795 (C. 19)

The following provisions of the Clean Neighbourhoods and Environment Act 2005 have been brought into force in England and Wales by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s. 32	1.7.2005	2005/1675 (C. 69)
s. 42 to 44	18.10.2005	2005/2896 (C. 122)
ss. 87 to 95	1.1.2006	2005/3439 (C. 144)
Schs. 2 and 3	1.1.2006	2005/3439 (C. 144)
Sch. 5 (partially)	1.1.2006	2005/3439 (C. 144)

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