

EXPLANATORY MEMORANDUM TO
THE STATUTORY NUISANCES (ARTIFICIAL LIGHTING)
(DESIGNATION OF RELEVANT SPORTS) (ENGLAND) ORDER 2006

2006 No. 781

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Select Committee on the Merits of Statutory Instruments.

2. **Description**

- 2.1 This instrument designates the sports listed in the schedule as relevant sports for the purposes of section 80(8A) of the Environmental Protection Act 1990.

3. **Matters of special interest to the Select Committee on the Merits of Statutory Instruments**

- 3.1 None.

4. **Legislative Background**

- 4.1 This Order is made under section 80(8B) of the Environmental Protection Act 1990.

5. **Extent**

- 5.1 This instrument applies in England only.

6. **European Convention on Human Rights**

- 6.1 The Minister for Local Environmental Quality has made the following statement regarding Human Rights:

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. **Policy background**

- 7.1 Section 102 of the Clean Neighbourhoods and Environment Act 2005 amends section 79 of the Environmental Protection Act 1990 so as to extend the statutory nuisance regime to include artificial lighting. Section 103 of the former Act similarly amends section 80 of the latter Act to extend the defence of Best Practical Means to artificial light emitted from industrial, trade or

business premises, and also to artificial light emitted from an outdoor relevant sports facility where such a facility does not constitute industrial, trade or business premises. A relevant sports facility is an area that is used when participating in a relevant sport, and a relevant sport is a sport designated as such by order by the Secretary of State (in relation to England).

7.2 The defence of Best Practical Means is being extended to all floodlit outdoor sports facilities to ensure that any modern facility which is operating in accordance with approved standards are able to rely on it. It is Government policy to increase participation in sport and provide healthy living and sports opportunities at every level. To help achieve this aim the Government has invested heavily in new and improved sports facilities, including the floodlighting of sports grounds and other facilities.

Consultation

7.3 The list of sports in the schedule was included in the consultation document on the implementation of the Clean Neighbourhoods and Environment Act published on 14 October 2005.

8. Impact

8.1 A full and final Regulatory Impact Assessment on the Clean Neighbourhoods and Environment Act was completed in April 2005. This instrument will have no additional impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is neutral.

9. Contact

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Tel: 020 7082 8414 or e-mail: Helen.matthews@defra.gsi.gov.uk can answer any queries regarding the instrument.