WELSH STATUTORY INSTRUMENTS

2007 No. 3371 (W.298) (C.141)

ENVIRONMENTAL PROTECTION, WALES

The Clean Neighbourhoods and Environment Act 2005 (Commencement No. 3) (Wales) Order 2007

Made - - - - 27 November 2007

The Welsh Ministers, in exercise of the powers conferred by section 108(1)(b) and (2) of the Clean Neighbourhoods and Environment Act 2005(**1**) and now vested in them(**2**), make the following Order:

Title, application and interpretation

1.—(1) The title of this Order is the Clean Neighbourhoods and Environment Act 2005 (Commencement No. 3) (Wales) Order 2007.

(2) This Order applies in relation to Wales.

(3) In this Order—

"the 2005 Act" ("*Deddf 2005*") means the Clean Neighbourhoods and Environment Act 2005.

Provisions of the 2005 Act coming into force on 18 January 2008

2. The following provisions of the 2005 Act come into force on 18 January 2008—

(a) section 106 and Schedule 4, in respect of paragraphs 5 to 9 and 14 to 19 of Schedule 4 (Minor and Consequential Amendments) only;

(b) section 107 and Part 3 of Schedule 5 (Repeals), in respect of the repeal of section 324(3)(a) of the Town and Country Planning Act 1990(**3**) and section 43 (10) and (11) of the Anti-social Behaviour Act 2003(**4**) only;

(c) section 107 and Part 7 of Schedule 5 (Repeals), in respect of section 9 of and Schedule 3 to the Noise and Statutory Nuisance Act 1993(**5**) and the heading to section 2 and sections 8(8), 9(3) and 9(4A) of the Noise Act 1996(**6**) only;

(**1**) 2005 c. 16.
(**2**) By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006, functions conferred on the National Assembly for Wales are exercisable by the Welsh Ministers.
(**3**) 1990 c . 8.
(**4**) 2003 c. 38.
(**5**) 1993 c. 40.
(**6**) 1996 c. 37.

(d) section 107 and Part 9 of Schedule 5 (Repeals), in respect of section 45(3) to (9) of the Anti-social Behaviour Act 2003 only.

Jane Davidson
Minister for Environment, Sustainability and Housing, one of the Welsh Ministers

27 November 2007

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force further provisions of the Clean Neighbourhoods and Environment Act 2005 ("the 2005 Act") in relation to Wales.

Article 2 of this Order brings into force on 18 January 2008 the following provisions of the 2005 Act:

(a) paragraphs 5 to 7 of Schedule 4 to the 2005 Act which make minor textual amendments to the Environmental Protection Act 1990 ("the 1990 Act");

(b) paragraph 8 of Schedule 4 to the 2005 Act which amends section 95(1)(c) of the 1990 Act so that the public register of orders and notices, which local authorities are required by section 95 of the 1990 Act to maintain, includes copies of all orders which are made under paragraph 2(1) of Schedule 3A to the 1990 Act in relation to the designation of land for the purposes of regulating the free distribution of printed matter;

(c) paragraph 9 of Schedule 4 to the 2005 Act which amends section 96 of the 1990 Act with the effect of enabling Welsh Ministers to make regulations in relation to litter collected by principal litter authorities under section 92C(3) of the 1990 Act. Section 92C(3) of the 1990 Act relates to litter collected by a principal litter authority when a person has failed to comply with a litter clearing notice issued by that authority under section 92A of the 1990 Act;

(d) paragraph 14 of Schedule 4 to the 2005 Act substitutes a new subsection (1) into section 45 of the Anti-social Behaviour Act 2003 ("the 2003 Act") with the effect that fixed penalties pursuant to section 43(1) (graffiti and fly-posting) of the 2003 Act are payable to the local authority whose authorised officer issued the notice;

(e) paragraph 15 of Schedule 4 to the 2005 Act applies definitions contained in section 47(1) of the 2003 Act to sections 43A and 43B of that Act. The effect of this is to enable Welsh Ministers to make regulations in connection with penalties payable in pursuance of a notice under section 43(1) of the 2003 Act (graffiti and fly-posting);

(f) paragraphs 16 to 19 of Schedule 4 to the 2005 Act substitute the term "defacement removal notice" for "graffiti removal notice" in sections 48, 49 and 51 of the 2003 Act, and in the heading of section 52 in that Act.

(g) paragraph 17(7) of Schedule 4 to the 2005 Act inserts the words "but not a parish or community council" into the definition of "local authority" in section 48(12) of the 2003 Act. The effect of this is to prevent parish and community councils from issuing graffiti removal notices, carrying out remedial works where a graffiti removal notice is not complied with and recovering expenses incurred in doing so;

(h) Part 3 of Schedule 5 to the 2005 Act contains repeals to section 324(3)(a) of the Town and Country Planning Act 1990 and section 43(10) and (11) of the Anti-social Behaviour Act 2003;

(i) Part 7 of Schedule 5 to the 2005 Act contains repeals to section 9 and Schedule 3 to the Noise and Statutory Nuisance Act 1990 and to the heading to section 2 and sections 8(8) and 9(3) of the Noise Act 1996;

(j) Part 9 of Schedule 5 to the 2005 Act contains a repeal to section 45(3) to (9) of the Anti-social Behaviour Act 2003.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 2005 Act have been brought into force in relation to Wales by commencement orders made before the date of this Order:

Provision	*Date of commencement*	*S.I. No*
Section 2 — for certain purposes	16 March 2006	2006/768 (W.75)(C.18)
Section 2 — for remaining purposes	19 February 2007	2006/2797 (W.236)(C.93)
Section 6 — for certain purposes	16 March 2006	2006/768 (W.75)(C.18)
Section 6 — for remaining purposes	15 March 2007	2006/2797 (W.236)(C.93)
Section 7	15 March 2007	2006/2797 (W.236)(C.93)
Section 8 — for certain purposes	16 March 2006	2006/768 (W.75)(C.18)
Section 8 — for remaining purposes	15 March 2007	2006/2797 (W.236)(C.93)
Section 9	15 March 2007	2006/2797 (W.236)(C.93)
Section 10 — for certain purposes	16 March 2006	2006/768 (W.75)(C.18)
Section 10 — for remaining purposes	15 March 2007	2006/2797 (W.236)(C.93)
Section 11	27 October 2006	2006/2797 (W.236)(C.93)
Section 12	27 October 2006	2006/2797 (W.236)(C.93)
Section 13 — for certain purposes	16 March 2006	2006/768 (W.75)(C.18)
Section 13 — for remaining purposes	27 October 2006	2006/2797 (W.236)(C.93)
Section 15	27 October 2006	2006/2797 (W.236)(C.93)
Section 16	27 October 2006	2006/2797 (W.236)(C.93)
Section 17 — for certain purposes	16 March 2006	2006/768 (W.75)(C.18)
Section 17 — for remaining purposes	27 October 2006	2006/2797 (W.236)(C.93)
Section 19 — for certain purposes	16 March 2006	2006/768 (W.75)(C.18)
Section 19 — for remaining purposes	15 March 2007	2006/2797 (W.236)(C.93)