WELSH STATUTORY INSTRUMENTS

2006 No. 768 (W.75) (C.18)

ENVIRONMENTAL PROTECTION, WALES

The Clean Neighbourhoods and Environment Act 2005 (Commencement No.1 and Savings) (Wales) Order 2006

Made - - - - 15 March 2006

The National Assembly for Wales ("the National Assembly"), in exercise of the powers conferred upon it by section 108(1)(b), (2) and (5) of the Clean Neighbourhoods and Environment Act 2005 ("the 2005 Act")(**1**), makes the following Order:

Title, application and interpretation

1.—(1) The title of this Order is the Clean Neighbourhoods and Environment Act 2005 (Commencement No.1 and Savings) (Wales) Order 2006.

(2) This Order applies in relation to Wales.

(3) In this Order, "the 1990 Act" means the Environment Protection Act 1990(**2**).

Provisions of the 2005 Act coming into force on 16 March 2006

2. The following provisions of the 2005 Act come into force on 16 March 2006—

(a) section 47 (abolition of the requirement to contract-out waste disposal functions);

(b) section 53 (power for waste collection authorities to use their powers of investigation under section 108 of the Environment Act 1995 to investigate incidents or offences in relation to the discharge of any of their functions under Part 2 of the 1990 Act);

(c) in Schedule 4 (minor and consequential amendments), paragraph 4; and

(d) in Part 4 (waste) of Schedule 5, the repeals to the 1990 Act other than the repeal to section 33 of the Act.

Provisions of the 2005 Act coming into force for certain purposes on 16 March 2006

3. So much of the following provisions as confers on the National Assembly a power or imposes a duty to make or make provision by regulations or orders, or to give directions or give or issue guidance, or make provision with respect to the exercise of any such power or performance of any such duty, comes into force on 16 March 2006—

(**1**) 2005 c. 16.
(**2**) 1990 c. 43.

section 2;

section 6;

section 8;

section 10;

section 13;

section 17;

section 19;

section 20;

section 24;

section 28;

section 30;

sections 37 and 38;

sections 45 and 46;

section 48;

section 52;

sections 55 to 60;

section 67;

sections 73 to 75;

section 82;

sections 96 to 98;

section 101; and

sections 103 and 104.

Provisions of the 2005 Act coming into force on the date on which the Contaminated Land (Wales) Regulations 2006 come into force

4. The following provisions of the 2005 Act come into force on the coming into force of the Contaminated Land (Wales) Regulations 2006.

(a) insofar as it is not already in force, section 104 (amendment of arrangements for appeals against remediation notices served under section 78E of the 1990 Act); and

(b) Part 10 of Schedule 5 (repeals).

Savings

5.—(1) Notwithstanding their repeal by section 47 of, and Part 4 of Schedule 5 to, the 2005 Act, section 32 (as read with section 30(5)) of, and Part 2 of Schedule 2 to, the 1990 Act continue to have effect for the purposes of regulating the—

(a) activities of a company which a waste disposal authority formed or participated in forming for the purposes of the collection of waste, or the disposal, keeping or treating of waste, where the company remains under the control of the waste disposal authority on 16 March 2006; and

(b) functions of a waste disposal authority in relation to such a company for as long as the company remains under the authority's control.