STATUTORY INSTRUMENTS

2015 No. 425 (C. 24)

ENVIRONMENTAL PROTECTION, ENGLAND AND WALES

The Clean Neighbourhoods and Environment Act 2005 (Commencement No. 6 and Saving) (England and Wales) Order 2015

Made - - - - 2nd March 2015

The Secretary of State in relation to England, and the Welsh Ministers in relation to Wales, make this Order in exercise of the powers conferred by section 108(1), (2)(f), (g) and (o), and (5) of the Clean Neighbourhoods and Environment Act 2005(**1**).

Citation, extent, application and interpretation

1.—(1) This Order may be cited as the Clean Neighbourhoods and Environment Act 2005 (Commencement No. 6 and Saving) (England and Wales) Order 2015.

(2) This Order extends to England and Wales.

(3) Article 2 applies to England only.

(4) Article 3 applies to Wales only.

(5) In this Order—

"the 1989 Act" means the Control of Pollution (Amendment) Act 1989(**2**);

"the 2005 Act" means the Clean Neighbourhoods and Environment Act 2005.

Commencement of provisions on the day after the day on which this Order is made: England

2. The following provisions of the 2005 Act come into force, for the purpose of making regulations and issuing guidance, on the day after the day on which this Order is made—

(a) section 37 (enforcement powers); and

(b) section 46(**3**) (power to search and seize vehicles).

(**1**) 2005 c. 16. In relation to Wales, the functions of the National Assembly for Wales conferred by section 108(1)(b) of the 2005 Act were transferred to the Welsh Ministers by the Government of Wales Act 2006 (c. 32), Schedule 11, paragraphs 30 and 32.
(**2**) 1989 c. 14.
(**3**) Section 34B of the Environmental Protection Act 1990 (c. 43) (as substituted by section 46 of the 2005 Act) was amended by S.I. 2005/2900, 2007/3538, 2010/675 and 2013/755.

Commencement of provisions on the day after the day on which this Order is made: Wales

3. Part 9 of Schedule 5 to the 2005 Act (repeals: use of fixed penalty receipts), so far as not already in force, comes into force on the day after the day on which this Order is made.

Commencement of provisions on 6th April 2015

4.—(1) The following provisions of the 2005 Act come into force on 6th April 2015 so far as not already in force—

(a) section 37; and

(b) section 46.

(2) In Part 4 of Schedule 5 to the 2005 Act, the repeal of section 6 of the 1989 Act(**4**) (seizure and disposal of vehicles used for illegal waste disposal), except in relation to section 6(1)(c) and (5) to (7) for the purpose of making regulations, comes into force on 6th April 2015.

(3) In Part 4 of Schedule 5 to the 2005 Act, the repeal of section 6 of the 1989 Act, so far as not already in force, comes into force on 6th April 2015 immediately after the coming into force of the Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015(**5**).

Saving

5. Notwithstanding the repeal of section 6 of the 1989 Act, that section continues to have effect in relation to any vehicle seized under that section before 6th April 2015.

Dan Rogerson
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs
1st March 2015

Carl Sargeant
Minister for Natural Resources, one of the Welsh Ministers
2nd March 2015

(**4**) Section 6 was amended by the Environmental Protection Act 1990, Schedule 15, paragraph 31 and the Environment Act 1995 (c. 25), Schedule 22, paragraph 37(4).
(**5**) S.I. 2015/426.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force certain provisions of the Clean Neighbourhoods and Environment Act 2005 (c. 16).

Article 2 brings into force as regards England sections 37 (enforcement powers) and 46 (power to search and seize vehicles) for the purpose of making regulations and issuing guidance. Section 37 substitutes new provisions for section 5 of the Control of Pollution (Amendment) Act 1989 (c. 14) ("the 1989 Act"). Section 46 inserts new provisions into the Environmental Protection Act 1990 (c. 43).

Article 3 brings into force as regards Wales Part 9 of Schedule 5 in respect of the repeal of section 100(2)(f) of the Local Government Act 2003 (c. 26).

Article 4 brings into force on 6th April 2015 as regards England and Wales the remainder of sections 37 and 46, and the remainder of Part 4 of Schedule 5 (in respect of the repeal of section 6 of the 1989 Act (seizure and disposal of vehicles used for illegal waste disposal)).

Article 5 provides that section 6 of the 1989 Act continues to have effect in relation to vehicles seized under that section before 6th April 2015.

An impact assessment has not been produced for this instrument as no impact on the costs of business is foreseen.

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 by commencement orders made before the date of this Order:

Provision	*Date of Commencement*	*S.I. No.*
Section 2 as to England	1st April 2006	2006/795
Section 2 as to Wales (partially)	16th March 2006	2006/768
Section 2 as to Wales (for all remaining purposes)	19th February 2007	2006/2797
Section 6 as to England (partially)	14th March 2006	2006/795
Section 6 as to England (for all remaining purposes)	6th April 2006	2006/795
Section 6 as to Wales (partially)	16th March 2006	2006/768
Section 6 as to Wales (for all remaining purposes)	15th March 2007	2006/2797
Section 7 as to England	6th April 2006	2006/795
Section 7 as to Wales	15th March 2007	2006/2797
Section 8 as to England (partially)	14th March 2006	2006/795

Provision	*Date of Commencement*	*S.I. No.*
Section 8 as to England (for all remaining purposes)	6th April 2006	2006/795
Section 8 as to Wales (partially)	16th March 2006	2006/768
Section 8 as to Wales (for all remaining purposes)	15th March 2007	2006/2797
Section 9 as to England	14th March 2006	2006/795
Section 9 as to Wales	15th March 2007	2006/2797
Section 10 as to England	6th April 2006	2006/795
Section 10 as to Wales (partially)	16th March 2006	2006/768
Section 10 as to Wales (for all remaining purposes)	15th March 2007	2006/2797
Sections 11 to 13 as to England	18th October 2005	2005/2896
Sections 11 and 12 as to Wales	27th October 2006	2006/2797
Section 13 as to Wales (partially)	16th March 2006	2006/768
Section 13 as to Wales (for all remaining purposes)	27th October 2006	2006/2797
Sections 15 to 17 as to England	18th October 2005	2005/2896
Sections 15 and 16 as to Wales	27th October 2006	2006/2797
Section 17 as to Wales (partially)	16th March 2006	2006/768
Section 17 as to Wales (for all remaining purposes)	27th October 2006	2006/2797
Section 19 as to England (partially)	14th March 2006	2006/795
Section 19 as to England (for all remaining purposes)	6th April 2006	2006/795
Section 19 as to Wales (partially)	16th March 2006	2006/768
Section 19 as to Wales (for all remaining purposes)	15th March 2007	2006/2797
Sections 20 to 25 as to England	6th April 2006	2006/795
Section 20 as to Wales (partially)	16th March 2006	2006/768
Section 20 as to Wales (for all remaining purposes)	15th March 2007	2006/2797
Sections 21 to 23 as to Wales	15th March 2007	2006/2797
Section 24 as to Wales (partially)	16th March 2006	2006/768
Section 24 as to Wales (for all remaining purposes)	15th March 2007	2006/2797
Section 25 as to Wales	15th March 2007	2006/2797
Sections 28 and 29 as to England	6th April 2006	2006/795

Provision	*Date of Commencement*	*S.I. No.*
Section 28 as to Wales (partially)	16th March 2006	2006/768
Section 28 as to Wales (for all remaining purposes)	15th March 2007	2006/2797
Section 29 as to Wales	15th March 2007	2006/2797
Section 30 as to England (partially)	14th March 2006	2006/795
Section 30 as to England (for all remaining purposes)	6th April 2006	2006/795
Section 30 as to Wales (partially)	16th March 2006	2006/768
Section 30 as to Wales (for all remaining purposes)	15th March 2007	2006/2797
Section 31 as to England	6th April 2006	2006/795
Section 31 as to Wales	15th March 2007	2006/2797
Section 32 as to England and Wales	1st July 2005	2005/1675
Section 34 as to England	6th April 2006	2006/795
Section 34 as to Wales	27th October 2006	2006/2797
Section 37 as to England (partially)	6th April 2006	2006/795
Section 37 as to Wales (partially)	16th March 2006	2006/768
Section 37 as to Wales (partially)	27th October 2006	2006/2797
Section 38 as to England	6th April 2006	2006/795
Section 38 as to Wales (partially)	16th March 2006	2006/768
Section 38 as to Wales (for all remaining purposes)	15th March 2007	2006/2797
Sections 42 to 44 as to England and Wales	18th October 2005	2005/2896
Section 45 as to England	6th April 2006	2006/795
Section 45 as to Wales (partially)	16th March 2006	2006/768
Section 45 as to Wales (for all remaining purposes)	15th March 2007	2006/2797
Section 46 as to Wales (partially)	16th March 2006	2006/768
Section 47 as to England	18th October 2005	2005/2896
Section 47 as to Wales	16th March 2006	2006/768
Section 48 as to England	6th April 2006	2006/795
Section 48 as to Wales (partially)	16th March 2006	2006/768
Section 48 as to Wales (for all remaining purposes)	15th March 2007	2006/2797
Section 49 as to England and Wales (partially)	7th March 2006	2006/656