



Clean Neighbourhoods and Environment Act 2005

CHAPTER 16

CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

PART 1

CRIME AND DISORDER

- 1 Crime and disorder reduction strategies
- 2 Gating orders

PART 2

VEHICLES

Nuisance parking offences

- 3 Exposing vehicles for sale on a road
- 4 Repairing vehicles on a road
- 5 Liability of directors etc

Nuisance parking offences: fixed penalty notices

- 6 Power to give fixed penalty notices
- 7 Power to require name and address
- 8 Use of fixed penalty receipts
- 9 Fixed penalty notices: supplementary

Abandoned vehicles

- 10 Offence of abandoning a vehicle: fixed penalty notices
- 11 Notice of removal

Changes to legislation: Clean Neighbourhoods and Environment Act 2005 is up to date with all changes known to be in force on or before 13 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- 12 Disposal
- 13 Guidance
- 14 Abandoned vehicles: supplementary

Illegally parked vehicles etc

- 15 Notice of removal
- 16 Disposal
- 17 Guidance

PART 3

LITTER AND REFUSE

Offence of dropping litter

- 18 Extension of litter offence to all open places
- 19 Litter offence: fixed penalty notices

Local authority notices

- 20 Litter clearing notices
- 21 Street litter control notices
- 22 Failure to comply with notice: fixed penalty notices

Free distribution of printed matter

- 23 Controls on free distribution of printed matter

General

- 24 Fixed penalty notices: common provision
- 25 Exclusion of liability
- 26 “Appropriate person”
- 27 “Litter”

PART 4

GRAFFITI AND OTHER DEFACEMENT

Graffiti and fly-posting

- 28 Fixed penalty notices: amount of fixed penalty
- 29 Fixed penalty notices: power to require name and address
- 30 Fixed penalty notices: authorised officers
- 31 Extension of graffiti removal notices to fly-posting
- 32 Sale of aerosol paint to children

Advertisements

- 33 Unlawful display of advertisements: defences
- 34 Removal of placards and posters

Changes to legislation: *Clean Neighbourhoods and Environment Act 2005 is up to date with all changes known to be in force on or before 13 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

PART 5

WASTE

CHAPTER 1

TRANSPORT OF WASTE

- 35 Unregistered transport: defence of acting under employer's instructions
- 36 Registration requirements and conditions
- 37 Enforcement powers
- 38 Failure to produce authority: fixed penalty notices
- 39 Interpretation

CHAPTER 2

DEPOSIT AND DISPOSAL OF WASTE

Offence of unlawful deposit of waste etc

- 40 Defence of acting under employer's instructions
- 41 Penalties on conviction
- 42 Investigation and enforcement costs
- 43 Clean-up costs
- 44 Forfeiture of vehicles

Offences relating to documentation

- 45 Failure to furnish documentation: fixed penalty notices

Offences: powers of seizure

- 46 Power to search and seize vehicles

Local authority waste collection and disposal

- 47 Abolition of requirement to contract out waste disposal functions
- 48 Offences relating to waste receptacles: fixed penalty notices
- 49 Payments for waste recycling and disposal
- 50 Power to require owner of land to remove waste

Supplementary

- 51 “Appropriate person”
- 52 Use of fixed penalty receipts
- 53 Supplementary enforcement powers

CHAPTER 3

SITE WASTE

- 54 Site waste management plans

Changes to legislation: Clean Neighbourhoods and Environment Act 2005 is up to date with all changes known to be in force on or before 13 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PART 6

DOGS

CHAPTER 1

CONTROLS ON DOGS

Dog control orders

- 55 Power to make dog control orders
- 56 Dog control orders: supplementary
- 57 Land to which Chapter 1 applies
- 58 Primary and secondary authorities

Fixed penalty notices

- 59 Fixed penalty notices
- 60 Amount of fixed penalties
- 61 Power to require name and address
- 62 Community support officers etc

Supplementary

- 63 Overlapping powers
- 64 Byelaws
- 65 Dogs (Fouling of Land) Act 1996

General

- 66 “Appropriate person”
- 67 Regulations and orders

CHAPTER 2

STRAY DOGS

- 68 Termination of police responsibility for stray dogs

PART 7

NOISE

CHAPTER 1

AUDIBLE INTRUDER ALARMS

Alarm notification areas

- 69 Designation of alarm notification areas
- 70 Withdrawal of designation
- 71 Notification of nominated key-holders
- 72 Nomination of key-holders
- 73 Offences under section 71: fixed penalty notices
- 74 Amount of fixed penalty
- 75 Use of fixed penalty receipts
- 76 Fixed penalty notices: power to require name and address

Powers in relation to alarms

- 77 Power of entry
- 78 Warrant to enter premises by force
- 79 Powers of entry: supplementary

Supplementary

- 80 Orders and regulations
- 81 Interpretation

CHAPTER 2

GENERAL

Noise from premises

- 82 Noise offences: fixed penalty notices
- 83 Noise offences: use of fixed penalty receipts
- 84 Extension of Noise Act 1996 to licensed premises etc
- 85 Noise Act 1996: supplementary

Statutory noise nuisances

- 86 Deferral of duty to serve abatement notice

PART 8

ARCHITECTURE AND THE BUILT ENVIRONMENT

Commission for Architecture and the Built Environment

- 87 The Commission for Architecture and the Built Environment
- 88 General functions of the Commission
- 89 Changes to functions of the Commission
- 90 Power to dissolve the Commission
- 91 Dissolution of the old Commission
- 92 Transfer of staff, property etc
- 93 Tax

Financial assistance

- 94 Architecture and the built environment: financial assistance

Supplementary

- 95 Orders

PART 9

MISCELLANEOUS

Use of fixed penalty receipts

- 95A Use of fixed penalty receipts: higher tier authorities in England
- 96 Use of fixed penalty receipts: higher tier authorities in Wales
- 97 Use of fixed penalty receipts: lower tier authorities
- 98 Sections 95A, 96 and 97: supplementary

Changes to legislation: Clean Neighbourhoods and Environment Act 2005 is up to date with all changes known to be in force on or before 13 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Shopping and luggage trolleys

- 99 Abandoned shopping and luggage trolleys
- 100 Section 99: transitional provision

Statutory nuisances

- 101 Statutory nuisance: insects
- 102 Statutory nuisance: lighting
- 103 Sections 101 and 102: supplementary

Pollution

- 104 Contaminated land: appeals against remediation notices
- 105 Offences relating to pollution etc: penalties on conviction

PART 10

GENERAL

- 106 Minor and consequential amendments
- 107 Repeals
- 108 Commencement
- 109 Money
- 110 Extent
- 111 Short title

SCHEDULES

SCHEDULE 1 — Application of the Noise Act 1996 to licensed premises etc

- 1 The Noise Act 1996 (c. 37) is amended as follows....
- 2 In the heading to section 2, omit “from a dwelling”....
- 3 (1) Section 2 (investigations of complaints of noise) is amended...
- 4 (1) Section 3 (warning notices) is amended as follows.
- 5 In the heading to section 4, after “where noise” insert...
- 6 After section 4 insert— Offence where noise from other premises...
- 7 (1) Section 5 (permitted level of noise) is amended as...
- 8 (1) Section 6 (approval of measuring devices) is amended as...
- 9 (1) Section 7 (evidence) is amended as follows.
- 10 (1) Section 8 (fixed penalty notices) is amended as follows....
- 11 (1) Section 8A (amount of fixed penalty), as inserted by...
- 12 (1) Section 9 (section 8: supplementary) is amended as follows....
- 13 (1) Section 10 (powers of entry and seizure etc) is...
- 14 In the Schedule (powers in relation to seized equipment) in...

SCHEDULE 2 — Commission for Architecture and the Built Environment

Status

- 1 (1) The Commission is not to be regarded as the...

Membership

- 2 (1) The Secretary of State must— (a) appoint the members...

Changes to legislation: *Clean Neighbourhoods and Environment Act 2005 is up to date with all changes known to be in force on or before 13 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Tenure

3 (1) The Secretary of State may not appoint a person...

Staff etc

4 (1) The Commission may appoint staff, agents and advisers.

Committees

5 (1) The Commission may establish one or more committees.

Remuneration etc

6 (1) The Commission may pay to or in respect of...

Delegation

7 The Commission may delegate any of its functions to—

Proceedings

8 (1) The Commission may, subject to the other provisions of...

Accounts

9 (1) The Commission must— (a) keep proper accounting records, and...

Annual report

10 (1) The Commission must send to the Secretary of State...

Instruments and authentication

11 (1) The fixing of the seal of the Commission must...

Records

12 In Schedule 1 to the Public Records Act 1958 (c....

Disqualification

13 In the House of Commons Disqualification Act 1975 (c. 24),...

Transitional provisions

14

Interpretation

15

SCHEDULE 3 — Transfer of staff, property etc from the old Commission

Transfer of staff

1

2

Changes to legislation: Clean Neighbourhoods and Environment Act 2005 is up to date with all changes known to be in force on or before 13 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Transfer of property, rights and liabilities

- 3
 4
 5
 6
 7
 8 So far as is necessary or appropriate in consequence of...

The appointed day

- 9 The appointed day is the day on which section 92...

SCHEDULE 4 — Minor and consequential amendments

Highways Act 1980 (c. 66)

- 1 In section 325 of the Highways Act 1980, in subsection...

Environmental Protection Act 1990 (c. 43)

- 2 The Environmental Protection Act 1990 is amended as follows.
 3 (1) Section 52 is amended as follows.
 4 In section 60(1)— (a) in paragraph (a), for the words...
 5 In section 89(1), at the end of paragraph (e) insert...
 6 In section 91(1), at the end of paragraph (e) insert...
 7
 8 In section 95(1), after paragraph (b) insert and
 9 In section 96(1)(b), after “section 92(9)” insert “ or 92C(3)...
 10 (1) Section 161 is amended as follows.

Control of Pollution (Amendment) Act 1989 (c. 14)

- 11 (1) Section 8 of the Control of Pollution (Amendment) Act...

Anti-social Behaviour Act 2003 (c. 38)

- 12 The Anti-social Behaviour Act 2003 is amended as follows.
 13
 14 In section 45, for subsection (1) substitute—
 15 In section 47(1), after “sections 43” insert “ to 43B...
 16
 17
 18
 19

SCHEDULE 5 — Repeals

- Part 1 — VEHICLES
 Part 2 — LITTER AND REFUSE
 Part 3 — GRAFFITI AND OTHER DEFACEMENT
 Part 4 — WASTE
 Part 5 — DOG CONTROLS
 Part 6 — STRAY DOGS
 Part 7 — NOISE
 Part 8 — ARCHITECTURE AND THE BUILT ENVIRONMENT
 Part 9 — USE OF FIXED PENALTY RECEIPTS

Changes to legislation: *Clean Neighbourhoods and Environment Act 2005 is up to date with all changes known to be in force on or before 13 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

Part 10 — CONTAMINATED LAND

Changes to legislation:

Clean Neighbourhoods and Environment Act 2005 is up to date with all changes known to be in force on or before 13 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Commencement Orders yet to be applied to the Clean Neighbourhoods and Environment Act 2005

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2007/120 art. 3](#) Amendment to earlier commencing S.I. 2006/2797