EXPLANATORY MEMORANDUM TO

THE STATUTORY NUISANCES (INSECTS) REGULATIONS 2006

2006 No.770

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 prescribes land which is part of an agricultural unit and in respect of which payment is made under any of the schemes listed in the schedule as land that is excluded, under Section 79(7C)(d), from the definition of relevant industrial, trade or business premises in section 79(7C) of the Environmental Protection Act 1990

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

3.1 None.

4. Legislative Background

4.1 These regulations are made under section 79(7C)(d) 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 101 of the Clean Neighbourhoods Act 2005 amends section 79 the Environment Protection Act 19990 to extend the statutory nuisance regime to include insects emanating from relevant industrial, trade or business premises. It also inserts a new subsection 79(7C) into that Act which excludes

from the definition of relevant industrial, trade or business premises various types of agricultural and open land. This is to ensure that the statutory nuisance regime is not used to control naturally occurring concentrations of insects on open land or in ways that would adversely affect biodiversity.

7.2 This instrument adds land forming part of an agricultural unit that is not being farmed (and so might not be covered by the various descriptions in subsections 79(7C)(a)-(c) and (e)) but is in receipt of payments under the land management schemes listed in the schedule to the types of land that are not covered by the statutory nuisance regime so far as insects are concerned.

Consultation

7.3 A list of the schemes proposed for inclusion in this instrument was included in the consultation document on the implementation of the Clean Neighbourhoods and Environment Act 2005 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

Helen Matthews at the Department for Environment, Food and Rural Affairs Tel: 020 7082 8414 or e-mail: Helen.matthews@defra.gsi.gov.uk can answer any queries regarding the instrument.