

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Environment (Air Quality and Soundscapes) (Wales) Act 2024. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PROSPECTIVE

SCHEDULE 2

(introduced by section 23)

TRUNK ROAD CHARGING SCHEMES: APPLICATION OF PROCEEDS

1 The Transport Act 2000 (c. 38) is amended as follows.

Commencement Information

I1 Sch. 2 para. 1 in force at 14.4.2024, see [s. 30\(2\)\(f\)](#)

2 In paragraph 2(4) of Schedule 12 (financial provision about road user charging), after “section 167(2)(b)” insert “or (3)(c)”.

Commencement Information

I2 Sch. 2 para. 2 in force at 14.4.2024, see [s. 30\(2\)\(f\)](#)

3 In paragraph 3(2) of that Schedule, in the opening words, after “section 167(2)(b)” insert “or (3)(c)”.

Commencement Information

I3 Sch. 2 para. 3 in force at 14.4.2024, see [s. 30\(2\)\(f\)](#)

4 In the cross-heading before paragraph 13 of that Schedule, omit “and Assembly”.

Commencement Information

I4 Sch. 2 para. 4 in force at 14.4.2024, see [s. 30\(2\)\(f\)](#)

5 In paragraph 13 of that Schedule—

- (a) in sub-paragraph (1), for “relevant authority’s” substitute “Secretary of State’s”;
- (b) in sub-paragraph (4), for “appropriate national authority” substitute “Secretary of State”;
- (c) in sub-paragraph (5)—
 - (i) for “relevant authority’s” substitute “Secretary of State’s”;
 - (ii) for “appropriate national authority” substitute “Secretary of State”.

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I5 Sch. 2 para. 5 in force at 14.4.2024, see [s. 30\(2\)\(f\)](#)

6 After paragraph 13 of that Schedule insert—

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“Application of proceeds by Welsh Ministers

- 14 (1) In the case of a trunk road charging scheme—
- (a) which is made by virtue of subsection (3) of section 167, and
 - (b) which is made wholly or partly for the purpose of reducing or limiting air pollution,
- the Welsh Ministers must publish a statement and lay it before Senedd Cymru as soon as reasonably practicable after the scheme is made.
- (2) The statement must—
- (a) state that the scheme is made wholly or partly for the purpose of limiting or reducing air pollution;
 - (b) provide an estimate of the net proceeds of the scheme for at least the first five financial years in which the scheme will be in operation;
 - (c) specify how the Welsh Ministers propose to apply their share of those net proceeds, and
 - (d) provide an assessment of the expected effect of those proposals on air quality (if any).
- 15 (1) In the case of a trunk road charging scheme—
- (a) which is made by virtue of subsection (3) of section 167, and
 - (b) which is not made (either wholly or partly) for the purpose of reducing or limiting air pollution,
- the Welsh Ministers’ share of the net proceeds of the scheme is available only for application for the purpose of directly or indirectly facilitating the achievement of any policies or proposals relating to transport.
- (2) Where the scheme is made by virtue of paragraph (a) of subsection (3) of section 167, sub-paragraph (1) applies only during the period of ten years beginning with the coming into force of the scheme.
- (3) The Welsh Ministers may by regulations make provision as to circumstances in which—
- (a) the same scheme is to be regarded as continuing in force in spite of a variation of the scheme or the revocation and replacement (with or without modifications) of the scheme, or
 - (b) a different scheme is, or is not, to be regarded as coming into force,
- for the purposes of determining when the period specified in sub-paragraph (2) begins or expires in the case of a scheme.
- (4) Where sub-paragraph (1) no longer applies to a scheme made by virtue of paragraph (a) of subsection (3) of section 167, the Welsh Ministers’ share of the net proceeds of the scheme is available to be applied only as may be specified in, or determined in accordance with, regulations made by the Welsh Ministers.
- (5) The provision that may be made by regulations under sub-paragraph (4) includes provision for sub-paragraph (2) to apply with the substitution

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for the number of years for the time being mentioned in it of a number of years greater than ten.”

Commencement Information

I6 Sch. 2 para. 6 in force at 14.4.2024, see [s. 30\(2\)\(f\)](#)

- 7 In section 197 (Part 3: regulations and orders)—
- (a) in subsection (6), for “National Assembly for Wales” substitute “Welsh Ministers”;
 - (b) after subsection (6) insert—
 - “(7) Regulations shall not be made by the Welsh Ministers under—
 - (a) section 182(5), or
 - (b) paragraph 15(4) of Schedule 12,unless a draft of the regulations has been laid before, and approved by a resolution of, Senedd Cymru.
 - (8) A statutory instrument containing regulations made by the Welsh Ministers under any other provision of this Part shall be subject to annulment in pursuance of a resolution of Senedd Cymru.
 - (9) The references in subsections (7) and (8) to regulations made by the Welsh Ministers include regulations made by them jointly with the Secretary of State.”

Commencement Information

I7 Sch. 2 para. 7 in force at 14.4.2024, see [s. 30\(2\)\(f\)](#)

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Changes and effects yet to be applied to :

- Sch. 2 para. 1 coming into force by [2024 asc 2 s. 30\(2\)\(f\)](#)
- Sch. 2 para. 2 coming into force by [2024 asc 2 s. 30\(2\)\(f\)](#)
- Sch. 2 para. 3 coming into force by [2024 asc 2 s. 30\(2\)\(f\)](#)
- Sch. 2 para. 4 coming into force by [2024 asc 2 s. 30\(2\)\(f\)](#)
- Sch. 2 para. 5 coming into force by [2024 asc 2 s. 30\(2\)\(f\)](#)
- Sch. 2 para. 6 coming into force by [2024 asc 2 s. 30\(2\)\(f\)](#)
- Sch. 2 para. 7 coming into force by [2024 asc 2 s. 30\(2\)\(f\)](#)