



UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021

2021 asp 4

PART 2

ENVIRONMENT

CHAPTER 1

ENVIRONMENTAL PRINCIPLES

13 The guiding principles on the environment

- (1) In this Chapter, references to the guiding principles on the environment are references to the following principles—
 - (a) the principle that protecting the environment should be integrated into the making of policies,
 - (b) the precautionary principle as it relates to the environment,
 - (c) the principle that preventative action should be taken to avert environmental damage,
 - (d) the principle that environmental damage should as a priority be rectified at source,
 - (e) the principle that the polluter should pay.
- (2) Those principles are derived from the equivalent principles provided for in Article 11 of Title II and Article 191(2) of Title XX of the Treaty on the Functioning of the European Union.
- (3) Accordingly, in preparing guidance under section 17 relating to the interpretation and application of the principles, the Scottish Ministers must have regard to the interpretation of those equivalent principles by the European Court from time to time.
- (4) The Scottish Ministers may by regulations—
 - (a) modify this section so as to—
 - (i) add or remove guiding principles on the environment,

Changes to legislation: There are currently no known outstanding effects for the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021, Section 13. (See end of Document for details)

- (ii) amend any of the guiding principles for the time being specified in this section,
 - (b) further define any of the guiding principles for the time being specified in this section.
- (5) Regulations under subsection (4) may remove, amend or further define a guiding principle on the environment that is derived from the equivalent principles mentioned in subsection (2) only so far as necessary—
 - (a) to reflect the removal of or an amendment to the equivalent principle in accordance with EU law, or
 - (b) otherwise to ensure that the guiding principle reflects the equivalent principle as it has effect in EU law from time to time.
- (6) Regulations under subsection (4) are subject to the affirmative procedure.
- (7) Before laying a draft of regulations under subsection (4) before the Scottish Parliament for approval, the Scottish Ministers must consult—
 - (a) a Minister of the Crown,
 - (b) each responsible authority that is subject to the duty in section 15,
 - (c) such persons appearing to them to be representative of the interests of local government, industry, agriculture, fisheries or small businesses as they consider appropriate, and
 - (d) such other persons as they consider appropriate.
- (8) In this Chapter—
 - “making policies” includes developing, adopting or revising policies,
 - “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975.

Commencement Information

II S. 13 in force at 29.3.2021 by S.S.I. 2021/141, reg. 2, sch.

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