

2022 No. 518 (C. 21)

ENVIRONMENTAL PROTECTION

**The Environment Act 2021 (Commencement No. 3) Regulations
2022**

Made - - - - at 12.47 p.m. on 9th May 2022

The Secretary of State makes the following Regulations in exercise of the power conferred by section 147(3) of the Environment Act 2021(a).

Citation and interpretation

1.—(1) These Regulations may be cited as the Environment Act 2021 (Commencement No. 3) Regulations 2022.

(2) In these Regulations “the Act” means the Environment Act 2021.

Provisions coming into force on 10th May 2022

2. The following provisions of the Act come into force on 10th May 2022—

- (a) section 17 (policy statement on environmental principles);
- (b) section 18 (policy statement on environmental principles: process);
- (c) section 19(5) and (6) (policy statement on environmental principles: effect);
- (d) section 20 (statements about Bills containing new environmental law);
- (e) section 85 (Authority’s power to require information) so far as relating to undertakers whose areas are wholly or mainly in England and licensees using the systems of such undertakers;
- (f) section 87 (electronic service of documents) so far as relating to undertakers whose areas are wholly or mainly in England and licensees using the systems of such undertakers.

Provisions coming into force on 30th September 2022

3. The following provisions of the Act come into force on 30th September 2022—

- (a) section 109 (species conservation strategies);
- (b) section 111(wildlife conservation: licences);
- (c) section 116 (use of forest risk commodities in commercial activity), for the purpose of making regulations;
- (d) Schedule 17 (use of forest risk commodities in commercial activity), for the purpose of making regulations.

At 12.47 p.m. on 9th May 2022

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force provisions of the Environment Act 2021 (c. 30) (“the Act”). These are the third commencement regulations made by the Secretary of State under the Act.

Regulation 2 brings into force on 10th May 2022 specified sections of the Act.

Section 17 requires the Secretary of State to prepare a policy statement on environmental principles and section 18 of the Act establishes the process by which the Secretary of State must develop and publish the environmental principles policy statement. Subsection 19(5) provides that section 14(2) of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 (asp 4) does not apply to Ministers of the Crown when making policy relating to reserved matters in Scotland. Subsection 19(6) provides that the term ‘reserved matters’ has the same meaning as that set out in the Scotland Act 1998. Section 20 requires that where a Bill introduced into either House of Parliament contains a provision that, if enacted, would be environmental law, the Minister in charge of the Bill must make a statement to that House on the effect of the law on the existing level of environmental protection.

Section 85 inserts new section 27ZA into the Water Industry Act 1991 (c. 56) which provides the Water Services Regulation Authority (‘Ofwat’) with a power to require information when performing its duties relating to reviewing water company performance and licence activities. Section 87 inserts new subsections into section 216 (service of documents) of the Water Industry Act 1991 (c. 56) enabling electronic service of documents served under that Act. Section 85 and Section 87 are commenced so far as relating to undertakers whose areas are wholly or mainly in England and licensees using the systems of such undertakers.

Regulation 3 brings into force on 30th September 2022 specified sections of the Act.

Section 109 establishes species conservation strategies and requires local planning authorities, and any other public authority specified in regulations by the Secretary of State, to cooperate with Natural England in preparing and implementing a strategy and to consider any relevant strategy as they carry out their functions. Section 111 amends the licensing regime in the Wildlife and Countryside Act 1981 (c.69) to be consistent with the provisions of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012).

Section 116 and Schedule 17 are commenced for the purpose of making regulations which would set requirements on prescribed businesses using forest risk commodities in their UK commercial activities.

An impact assessment has not been published for these Regulations as they have no impact on costs to business, the public or voluntary sectors independent of the provision these Regulations bring into force. A full impact assessment has been published in relation to the Act and copies can be obtained from the website of the Department for Environment, Food and Rural Affairs at www.gov.uk/defra or from the Department for Environment, Food and Rural Affairs at 2 Marsham Street, London, SW1P 4DF, United Kingdom.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Environment Act 2021 (c. 30) have been brought into force by commencement regulations and orders made before the date of these Regulations:

<i>Provision</i>	<i>Date of Commencement</i>	<i>Instrument</i>
Sections 1 to 7	24th January 2022	S.I. 2022/48 (C. 2)

Sections 8 to 15	24th January 2022	S.I. 2022/48 (C. 2)
Section 16	24th January 2022	S.I. 2022/48 (C. 2)
Section 21	1st April 2022	S.I. 2021/1274 (C. 72)
Sections 22 to 24	17th November 2021	S.I. 2021/1274 (C. 72)
Section 25	24th January 2022	S.I. 2022/48 (C. 2)
Section 26	17th November 2021	S.I. 2021/1274 (C. 72)
Section 27	24th January 2022	S.I. 2022/48 (C. 2)
Sections 28 to 30	24th January 2022	S.I. 2022/48 (C. 2)
Sections 31 to 41	24th January 2022	S.I. 2022/48 (C. 2)
Sections 42 and 43	24th January 2022	S.I. 2022/48 (C. 2)
Sections 44 to 47	17th November 2021	S.I. 2021/1274 (C. 72)
Section 48	25th July 2022	S.R. 2022 No.54 (C. 5)
Section 49	28th February 2022	S.R. 2022 No.54 (C. 5)
Section 50	24th January 2022 (partially)	S.I. 2022/48 (C. 2)
	28th February 2022 (partially)	S.R. 2022 No.54 (C. 5)
	7th March 2022 (partially)	S.I. 2022 No. 223 (W.71) (C.10)
Section 51	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54 (C. 5)
Section 52	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54 (C. 5)
Section 53	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54 (C. 5)
Section 54	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54 (C. 5)
Section 55	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54 (C. 5)
Section 56	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54 (C. 5)
Section 59	28th February 2022	S.R. 2022 No.54 (C. 5)
Section 60	24th January 2022 (partially)	S.I. 2022/48 (C. 2)
	7th March 2022 (for all remaining purposes)	S.I. 2022 No. 223 (W.71) (C.10)
Section 61	28th February 2022	S.R. 2022 No.54 (C. 5)
Section 62	24th January 2022	S.I. 2022/48 (C. 2)
Section 64	24th January 2022 (partially)	S.I. 2022/48 (C. 2)
	7th March 2022 (partially)	S.I. 2022 No. 223 (W.71) (C.10)
Section 65	28th February 2022	S.R. 2022 No.54 (C. 5)
Section 67	28th February 2022	S.R. 2022 No.54 (C. 5)
Section 71	28th February 2022	S.R. 2022 No.54 (C. 5)
Section 72	1st May 2022	S.I. 2022/48 (C. 2)
Section 73	1st May 2022 (partially)	S.I. 2022/48 (C. 2)
Section 86	24th January 2022	S.I. 2022/48 (C. 2)
Section 89	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54 (C. 5)
Section 91	28th February 2022	S.R. 2022 No.54 (C. 5)
Sections 104 to 108	24th January 2022	S.I. 2022/48 (C. 2)
Section 110	24th January 2022	S.I. 2022/48 (C. 2)
Sections 112 and 113	24th January 2022	S.I. 2022/48 (C. 2)
Part 7	30th September 2022	S.I. 2022/48 (C. 2)
Section 140	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54 (C. 5)
Schedule 1	17th November 2021	S.I. 2021/1274 (C. 72)
Schedule 2	25th July 2022 (partially)	S.R. 2022 No.54 (C. 5)
Schedule 3	28th February 2022	S.R. 2022 No.54 (C. 5)

Schedule 4	24th January 2022 (partially) 28th February 2022 (partially) 7th March 2022 (partially)	S.I. 2022/48 (C. 2) S.R. 2022 No.54 (C. 5) S.I. 2022 No. 223 (W.71) (C.10)
Schedule 5	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54 (C. 5)
Schedule 6	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54 (C. 5)
Schedule 7	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54 (C. 5)
Schedule 8	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54 (C. 5)
Schedule 9	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54 (C. 5)
Schedule 11	1st May 2022	S.I. 2022/48 (C. 2)
Schedule 12, Part 1	1st May 2022	S.I. 2022/48 (C. 2)
Schedule 12, Part 3	1st May 2022	S.I. 2022/48 (C. 2)
Schedule 13	24th January 2022	S.I. 2022/48 (C. 2)
Schedule 18	30th September 2022	S.I. 2022/48 (C. 2)
Schedule 19	30th September 2022	S.I. 2022/48 (C. 2)
Schedule 20	30th September 2022	S.I. 2022/48 (C. 2)
Schedule 21	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54 (C. 5)

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