



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

2021 asp 4

## PART 2

### ENVIRONMENT

#### CHAPTER 2

##### ENVIRONMENTAL GOVERNANCE

###### *Improvement reports and improvement plans*

#### **26 Improvement report**

- (1) Environmental Standards Scotland may prepare an improvement report if it considers that, in exercising its functions (including regulatory functions), a public authority has failed to—
  - (a) comply with environmental law,
  - (b) make effective environmental law, or
  - (c) implement or apply environmental law effectively.
- (2) Environmental Standards Scotland may also prepare an improvement report if it considers that the combined effect of two or more public authorities exercising their functions (including regulatory functions) in the same or a similar way constitutes a systemic failure by those authorities to—
  - (a) comply with environmental law,
  - (b) make effective environmental law, or
  - (c) implement or apply environmental law effectively.
- (3) Before preparing an improvement report in respect of any failure arising out of a public authority exercising its regulatory functions, Environmental Standards Scotland must be satisfied that the failure could not be addressed more effectively by issuing a compliance notice under section 31(1) instead.

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*Status: This is the original version (as it was originally enacted).*

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- (4) An improvement report is a report setting out the details of the alleged failure and recommending measures that the Scottish Ministers, or any other public authority, should take in order to—
- (a) comply with environmental law, or
  - (b) improve the effectiveness of environmental law or of how it is implemented or applied.