



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

2021 asp 4

PART 2

ENVIRONMENT

CHAPTER 2

ENVIRONMENTAL GOVERNANCE

Duty to consult on effectiveness of governance arrangements

41 Duty to consult on effectiveness of governance arrangements

- (1) The Scottish Ministers must—
 - (a) prepare a report on the matters mentioned in subsection (2), and
 - (b) after preparing the report, consult the persons mentioned in subsection (3).
- (2) The matters referred to in subsection (1)(a) are—
 - (a) whether the provisions of this Chapter have ensured that there continues to be effective and appropriate governance relating to the environment following the withdrawal of the United Kingdom from the EU,
 - (b) whether the law in Scotland on access to justice on environmental matters is effective and sufficient, and
 - (c) whether and, if so, how the establishment of an environmental court could enhance the governance arrangements referred to in paragraph (a).
- (3) The persons referred to in subsection (1)(b) are—
 - (a) Environmental Standards Scotland,
 - (b) such persons as appear to the Scottish Ministers to be representative of the interests of persons likely to be affected by the governance arrangements referred to in subsection (2)(a), and
 - (c) such other persons as the Scottish Ministers consider appropriate.

Changes to legislation: There are currently no known outstanding effects for the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021, Section 41. (See end of Document for details)

- (4) The consultation under subsection (1)(b) must begin before the end of the period of 6 months beginning with the date on which Environmental Standards Scotland publishes the strategy under section 22(1).
- (5) The Scottish Ministers must, as soon as reasonably practicable after the consultation under subsection (1)(b) begins, lay before the Scottish Parliament a copy of the consultation document.
- (6) Following the consultation under subsection (1)(b), the Scottish Ministers must lay before the Scottish Parliament a statement setting out—
 - (a) details of the consultation that was carried out under subsection (1)(b),
 - (b) a summary of any views expressed in response to the consultation, and
 - (c) the Scottish Ministers' recommendations in response to those views.

Commencement Information

II S. 41 in force at 1.10.2021 by [S.S.I. 2021/304](#), **reg. 2(a)**

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