



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

2021 asp 4

PART 2

ENVIRONMENT

CHAPTER 2

ENVIRONMENTAL GOVERNANCE

Interpretation of Chapter 2

43 Meaning of “failing to comply with environmental law”

For the purposes of this Chapter, any reference (however expressed) to a public authority failing (or having failed) to comply with environmental law is a reference to any of the following conduct by the authority—

- (a) the authority failing (or having failed) to take proper account of environmental law when exercising its functions,
- (b) the authority exercising (or having exercised) its functions in a way that is contrary to, or incompatible with, environmental law,
- (c) the authority failing (or having failed) to exercise its functions where the failure is contrary to, or incompatible with, environmental law,

and references to “compliance with environmental law” are to be construed accordingly.