



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

2021 asp 4

PART 2

ENVIRONMENT

CHAPTER 2

ENVIRONMENTAL GOVERNANCE

Interpretation of Chapter 2

46 Interpretation of Chapter 2: general

(1) In this Chapter—

“application for judicial review” means an application to the supervisory jurisdiction of the Court of Session,

“compliance notice” means a notice issued under section 31(1),

“the environment” has the meaning given by section 45(3),

“environmental governance body” means a person on whom an environmental governance function has been conferred,

“environmental governance function” means a function that is similar to a function conferred on Environmental Standards Scotland,

“environmental harm” has the meaning given by section 45(2),

“environmental law”, “effectiveness of environmental law” and “effective environmental law” have the meanings given by section 44, “environmental protection” has the meaning given by section 45(1),

“improvement report” means a report prepared under section 26(1) or (2),

“information notice” means a notice issued under section 24(1),

“international environmental protection legislation” means legislation of countries and territories outwith Scotland (including legislation of other parts of

Changes to legislation: There are currently no known outstanding effects for the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021, Section 46. (See end of Document for details)

the United Kingdom), and of international organisations (including the EU), that is mainly concerned with environmental protection,

“international obligation of the United Kingdom” includes any obligation that arises or may arise under an international agreement or arrangement to which the United Kingdom is a party,

“Office for Environmental Protection” has the meaning given by section 21 of the Environment Act 2021,

“public authority” has the meaning given by section 42,

“regulatory functions” means—

(a) functions conferred by or under any enactment of—

(i) imposing requirements, restrictions or conditions in relation to an activity,

(ii) setting standards and outcomes in relation to an activity, or

(iii) giving guidance in relation to an activity, or

(b) functions which relate to the securing of compliance with, or enforcement of, requirements, restrictions, conditions, standards, outcomes or guidance which by or under any enactment relate to an activity,

“strategy” means a strategy prepared under section 22(1).

(2) In this Chapter, references (however expressed) to—

(a) a public authority failing to comply with environmental law are to be construed in accordance with section 43,

(b) a public authority failing to make effective environmental law are references to the authority—

(i) failing to exercise any function it has of making, confirming or approving subordinate legislation, or

(ii) failing to exercise that function in such a way,

so as to secure the effectiveness of environmental law.

Commencement Information

II S. 46 in force at 1.10.2021 by S.S.I. 2021/304, reg. 2(a)

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