



Environment Act 2021

2021 CHAPTER 30

PART 1

ENVIRONMENTAL GOVERNANCE

CHAPTER 1

IMPROVING THE NATURAL ENVIRONMENT

Policy statement on environmental principles

17 Policy statement on environmental principles

- (1) The Secretary of State must prepare a policy statement on environmental principles in accordance with this section and section 18.
- (2) A “policy statement on environmental principles” is a statement explaining how the environmental principles should be interpreted and proportionately applied by Ministers of the Crown when making policy.
- (3) It may also explain how Ministers of the Crown, when interpreting and applying the environmental principles, should take into account other considerations relevant to their policy.
- (4) The Secretary of State must be satisfied that the statement will, when it comes into effect, contribute to—
 - (a) the improvement of environmental protection, and
 - (b) sustainable development.
- (5) In this Part “environmental principles” means the following principles—
 - (a) the principle that environmental protection should be integrated into the making of policies,
 - (b) the principle of preventative action to avert environmental damage,

Status: This is the original version (as it was originally enacted).

- (c) the precautionary principle, so far as relating to the environment,
- (d) the principle that environmental damage should as a priority be rectified at source, and
- (e) the polluter pays principle.

18 Policy statement on environmental principles: process

- (1) The Secretary of State must prepare a draft of the policy statement on environmental principles.
- (2) The Secretary of State must consult such persons as the Secretary of State considers appropriate in relation to the draft statement.
- (3) The Secretary of State must lay the draft statement before Parliament.
- (4) If before the end of the 21 day period—
 - (a) either House of Parliament passes a resolution in respect of the draft statement, or
 - (b) a committee of either House of Parliament, or a joint committee of both Houses, makes recommendations in respect of the draft statement,
 the Secretary of State must produce a response and lay it before Parliament.
- (5) The Secretary of State must prepare and lay before Parliament the final statement, but not before—
 - (a) if subsection (4) applies, the day on which the Secretary of State lays the response required by that subsection, or
 - (b) otherwise, the end of the 21 day period.
- (6) The final statement has effect when it is laid before Parliament.
- (7) The Secretary of State must publish the statement when it comes into effect.
- (8) The “21 day period” is the period of 21 sitting days beginning with the first sitting day after the day on which the draft statement is laid under subsection (3).
- (9) “Sitting day” means a day on which both Houses of Parliament sit.
- (10) The requirements in subsections (1) and (2) may be met by the preparation of a draft statement, and consultation, before this section comes into force.
- (11) The Secretary of State may prepare a revised policy statement on environmental principles at any time (and subsections (1) to (9) apply in relation to any revised statement).

19 Policy statement on environmental principles: effect

- (1) A Minister of the Crown must, when making policy, have due regard to the policy statement on environmental principles currently in effect.
- (2) Nothing in subsection (1) requires a Minister to do anything (or refrain from doing anything) if doing it (or refraining from doing it)—
 - (a) would have no significant environmental benefit, or
 - (b) would be in any other way disproportionate to the environmental benefit.
- (3) Subsection (1) does not apply to policy so far as relating to—

- (a) the armed forces, defence or national security,
 - (b) taxation, spending or the allocation of resources within government, or
 - (c) Wales.
- (4) Subsection (1) applies to policy relating to Scotland only so far as relating to reserved matters.
- (5) Section 14(2) of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 (asp 4) (UK Ministers must have regard to guiding principles on the environment in making policies extending to Scotland) does not apply to policies so far as relating to reserved matters.
- (6) In this section “reserved matters” has the same meaning as in the Scotland Act 1998.