



Environment Act 2021

2021 CHAPTER 30

PART 1

ENVIRONMENTAL GOVERNANCE

CHAPTER 2

THE OFFICE FOR ENVIRONMENTAL PROTECTION

The OEP's enforcement functions

40 Duty of the OEP to involve the relevant Minister

- (1) Where the recipient of an information notice or a decision notice is not a Minister of the Crown, the OEP must—
 - (a) provide the relevant Minister with—
 - (i) a copy of the notice and,
 - (ii) a copy of any correspondence between the OEP and the recipient of the notice that relates to the notice (apart from correspondence sent by virtue of paragraph (b)), and
 - (b) provide the recipient of the notice with a copy of any correspondence between the OEP and the relevant Minister that relates to the notice (apart from correspondence sent by virtue of paragraph (a)).
- (2) The obligation to provide a copy of any notice or correspondence under subsection (1) does not apply where the OEP considers that in the circumstances it would not be in the public interest to do so.
- (3) Where the OEP makes an application for an environmental review, judicial review or statutory review in which the relevant Minister is not a party, it must provide the relevant Minister with—
 - (a) a copy of the application, and

Changes to legislation: There are currently no known outstanding effects
for the Environment Act 2021, Section 40. (See end of Document for details)

- (b) a statement of whether the OEP considers the relevant Minister should participate in the review (for example, by applying to be a party).

Commencement Information

- I1** S. 40 not in force at Royal Assent, see [s. 147\(3\)](#)
I2 [S. 40](#) in force at 24.1.2022 by [S.I. 2022/48](#), [reg. 2\(g\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Environment Act 2021, Section 40.