

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Environment (Air Quality and Soundscapes) (Wales) Act 2024. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PROSPECTIVE

SCHEDULE 1

(introduced by section 21)

SMOKE CONTROL

PART 1

FURTHER PROVISION IN RELATION TO FINANCIAL PENALTIES

1 The Clean Air Act 1993 (c. 11) is amended as follows.

Commencement Information

I1 Sch. 1 para. 1 not in force at Royal Assent, see s. 30(3)

2 In the heading of Schedule 1A, after “IN ENGLAND” insert “OR WALES”.

Commencement Information

I2 Sch. 1 para. 2 not in force at Royal Assent, see s. 30(3)

3 In paragraph 1 of Schedule 1A (key definitions)—

(a) after the definition of “person liable” insert—

““relevant national authority” means—

(a) in relation to a smoke control order in England, the Secretary of State;

(b) in relation to a smoke control order in Wales, the Welsh Ministers;”

(b) in paragraphs (a) and (b) of the definition of “relevant chimney”, after “in England” insert “or in Wales”.

Commencement Information

I3 Sch. 1 para. 3 not in force at Royal Assent, see s. 30(3)

4 In paragraph 3 of Schedule 1A (amount of penalty)—

(a) in sub-paragraph (3), for “Secretary of State” substitute “relevant national authority”;

(b) in sub-paragraph (4), after “may not be made” insert “by the Secretary of State”;

(c) after sub-paragraph (4) insert—

“(5) Regulations under sub-paragraph (3) may not be made by the Welsh Ministers unless a draft of the regulations has been laid before, and approved by a resolution of, Senedd Cymru.”

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Commencement Information

I4 Sch. 1 para. 4 not in force at Royal Assent, see [s. 30\(3\)](#)

- 5 In paragraph 4 of Schedule 1A (right to object to proposed financial penalty)—
- (a) in sub-paragraph (4), for “Secretary of State” substitute “the relevant national authority”;
 - (b) in sub-paragraph (5), at both places it occurs, for “Secretary of State” substitute “the relevant national authority”;
 - (c) in sub-paragraph (6), after “may not be made” insert “by the Secretary of State”;
 - (d) after sub-paragraph (6) insert—

“(7) Regulations under sub-paragraph (4) may not be made by the Welsh Ministers unless a draft of the regulations has been laid before, and approved by resolution of, Senedd Cymru.”

Commencement Information

I5 Sch. 1 para. 5 not in force at Royal Assent, see [s. 30\(3\)](#)

- 6 In paragraph 5 of Schedule 1A (decision regarding a final notice), in the opening words of sub-paragraph (1), omit “in England”.

Commencement Information

I6 Sch. 1 para. 6 not in force at Royal Assent, see [s. 30\(3\)](#)

- 7 In paragraph 6 of Schedule 1A (final notice), in sub-paragraph (1), omit “in England”.

Commencement Information

I7 Sch. 1 para. 7 not in force at Royal Assent, see [s. 30\(3\)](#)

PART 2

EXPENDITURE ON OLD PRIVATE DWELLINGS

- 8 The Clean Air Act [1993 \(c. 11\)](#) is amended as follows.

Commencement Information

I8 Sch. 1 para. 8 not in force at Royal Assent, see [s. 30\(3\)](#)

- 9 In Schedule 2 (smoke control orders: expenditure on old private dwellings)—
- (a) omit paragraphs 1, 2 and 3;
 - (b) in paragraph 4(1), omit paragraphs (a) and (b);
 - (c) in paragraph 4(2), omit paragraphs (a) and (b).

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Commencement Information

I9 Sch. 1 para. 9 not in force at Royal Assent, see [s. 30\(3\)](#)

PART 3

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

Clean Air Act 1993 (c. 11)

10 The Clean Air Act 1993 is amended as follows.

Commencement Information

I10 Sch. 1 para. 10 not in force at Royal Assent, see [s. 30\(3\)](#)

- 11 In section 18 (declaration of smoke control area by local authority)—
- (a) in subsection (2)(b), for the words from “section 20” to “in England)” substitute “Schedule 1A (penalty for emission of smoke in England or in Wales)”;
 - (b) in subsection (2A), after “England” insert “or in Wales (as the case may be)”.

Commencement Information

I11 Sch. 1 para. 11 not in force at Royal Assent, see [s. 30\(3\)](#)

12 Sections 20 to 23 (including the italic headings above sections 20 and 23) are repealed.

Commencement Information

I12 Sch. 1 para. 12 not in force at Royal Assent, see [s. 30\(3\)](#)

13 In section 24 (power of local authority to require adaptation of fireplaces in private dwellings), in subsection (1), for the words from “contraventions” to the end substitute “the imposition of a financial penalty under Schedule 1A (penalty for emission of smoke in England or Wales)”.

Commencement Information

I13 Sch. 1 para. 13 not in force at Royal Assent, see [s. 30\(3\)](#)

14 In section 26 (power of local authority to make grants towards adaptations to fireplaces in certain buildings), in subsection (1), for the words from “contraventions” to “England)” substitute “the imposition of a financial penalty under Schedule 1A (penalty for emission of smoke in England or Wales)”.

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Commencement Information

I14 Sch. 1 para. 14 not in force at Royal Assent, see [s. 30\(3\)](#)

- 15 In section 27 (references to adaptations for avoiding contraventions of section 20 or Schedule 1A)—
- (a) in the heading, omit “section 20 or”;
 - (b) in subsection (1)—
 - (i) in the opening words, for the words from “contraventions” to “England)” substitute “the imposition of a financial penalty under Schedule 1A (penalty for emission of smoke in England or Wales)”;
 - (ii) in the words after paragraph (e), omit “contraventions of section 20 or”;
 - (c) in subsection (3), omit “contraventions of section 20 of this Act or”.

Commencement Information

I15 Sch. 1 para. 15 not in force at Royal Assent, see [s. 30\(3\)](#)

- 16 In section 29 (interpretation of Part 3)—
- (a) omit the definition of “authorised fuel”;
 - (b) after the definition of “smoke control order in England” insert—

““smoke control order in Wales” means a smoke control order made by a local authority in Wales.”

Commencement Information

I16 Sch. 1 para. 16 not in force at Royal Assent, see [s. 30\(3\)](#)

- 17 In section 45 (exemption for purposes of investigations and research)—
- (a) in subsection (1)(a), omit “, 20 (smoke in smoke control area)”;
 - (b) in subsection (1)(e), for “section 23” substitute “section 19F”.

Commencement Information

I17 Sch. 1 para. 17 not in force at Royal Assent, see [s. 30\(3\)](#)

- 18 In section 51 (duty to notify occupiers of offences)—
- (a) in subsection (1)(a), for “, 2 or 20” substitute “or 2”;
 - (b) in subsection (3), for “, 2 or 20” substitute “or 2”.

Commencement Information

I18 Sch. 1 para. 18 not in force at Royal Assent, see [s. 30\(3\)](#)

- 19 In section 61 (joint exercise of local authority functions), in subsection (3)(b) for “, Schedule 1 and paragraph 1 of Schedule 2” substitute “and Schedule 1”.

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Commencement Information

I19 Sch. 1 para. 19 not in force at Royal Assent, see [s. 30\(3\)](#)

- 20 In section 63 (regulations and orders)—
- (a) in subsection (2), after “made under this Act” insert “by the Secretary of State”;
 - (b) after subsection (2) insert—
 - “(2A) Any statutory instrument containing regulations made under this Act by the Welsh Ministers, except an instrument containing regulations a draft of which is required by section 6(3), 10(5) or 47(2) or paragraph 3(5) or 4(7) of Schedule 1A to be approved by a resolution of Senedd Cymru, is subject to annulment in pursuance of a resolution of Senedd Cymru.”
 - (c) in subsection (3), omit “, 21 or 22”.

Commencement Information

I20 Sch. 1 para. 20 not in force at Royal Assent, see [s. 30\(3\)](#)

- 21 In Schedule 1 (coming into operation of smoke control orders)—
- (a) after paragraph 1 insert—
 - “1A If the local authority is in Wales, it must also publish the notice electronically and keep it published throughout the period mentioned in paragraph 1(b).
 - (1B) The requirement in paragraph 1A to publish the notice electronically is a requirement to publish the notice on the local authority’s website, if it has one.”
 - (b) in paragraph 5, for the words from “section 20” to “in England)” substitute “Schedule 1A (penalty for emission of smoke in England or Wales)”;
 - (c) after paragraph 6A insert—
 - “6B When a local authority in Wales has made an order, the authority must—
 - (a) inform the Welsh Ministers that it has done so, and
 - (b) provide the date on which the order is to come, or came, into operation.”

Commencement Information

I21 Sch. 1 para. 21 not in force at Royal Assent, see [s. 30\(3\)](#)

- 22 In Schedule 5 (transitional provisions)—
- (a) after paragraph 12 insert—
 - “12A If the local authority is in Wales, it must also publish the notice electronically and keep it published throughout the period mentioned in paragraph 12(b)

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- “12B The requirement in paragraph 12A to publish the notice electronically is a requirement to publish the notice on the local authority’s website, if it has one.”
- (b) in paragraph 13, after “paragraph 12” insert “and (if relevant) paragraph 12A”.

Commencement Information

I22 Sch. 1 para. 22 not in force at Royal Assent, see [s. 30\(3\)](#)

Commencement Information

I10 Sch. 1 para. 10 not in force at Royal Assent, see [s. 30\(3\)](#)
 I11 Sch. 1 para. 11 not in force at Royal Assent, see [s. 30\(3\)](#)
 I12 Sch. 1 para. 12 not in force at Royal Assent, see [s. 30\(3\)](#)
 I13 Sch. 1 para. 13 not in force at Royal Assent, see [s. 30\(3\)](#)
 I14 Sch. 1 para. 14 not in force at Royal Assent, see [s. 30\(3\)](#)
 I15 Sch. 1 para. 15 not in force at Royal Assent, see [s. 30\(3\)](#)
 I16 Sch. 1 para. 16 not in force at Royal Assent, see [s. 30\(3\)](#)
 I17 Sch. 1 para. 17 not in force at Royal Assent, see [s. 30\(3\)](#)
 I18 Sch. 1 para. 18 not in force at Royal Assent, see [s. 30\(3\)](#)
 I19 Sch. 1 para. 19 not in force at Royal Assent, see [s. 30\(3\)](#)
 I20 Sch. 1 para. 20 not in force at Royal Assent, see [s. 30\(3\)](#)
 I21 Sch. 1 para. 21 not in force at Royal Assent, see [s. 30\(3\)](#)
 I22 Sch. 1 para. 22 not in force at Royal Assent, see [s. 30\(3\)](#)

Environment Act 2021 (c. 30)

- 23 In the Environment Act 2021—
- (a) in section 147(4) (commencement powers of Welsh Ministers), omit paragraph (f);
- (b) Part 2 of Schedule 12 (principal amendments to the Clean Air Act 1993: Wales) is repealed.

Commencement Information

I23 Sch. 1 para. 23 not in force at Royal Assent, see [s. 30\(3\)](#)

SCHEDULE 2

(introduced by section 23)

TRUNK ROAD CHARGING SCHEMES: APPLICATION OF PROCEEDS

- 1 The Transport Act [2000 \(c. 38\)](#) is amended as follows.

Commencement Information

I24 Sch. 2 para. 1 in force at 14.4.2024, see [s. 30\(2\)\(f\)](#)

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- 2 In paragraph 2(4) of Schedule 12 (financial provision about road user charging), after “section 167(2)(b)” insert “or (3)(c)”.

Commencement Information

I25 Sch. 2 para. 2 in force at 14.4.2024, see [s. 30\(2\)\(f\)](#)

- 3 In paragraph 3(2) of that Schedule, in the opening words, after “section 167(2)(b)” insert “or (3)(c)”.

Commencement Information

I26 Sch. 2 para. 3 in force at 14.4.2024, see [s. 30\(2\)\(f\)](#)

- 4 In the cross-heading before paragraph 13 of that Schedule, omit “and Assembly”.

Commencement Information

I27 Sch. 2 para. 4 in force at 14.4.2024, see [s. 30\(2\)\(f\)](#)

- 5 In paragraph 13 of that Schedule—
- (a) in sub-paragraph (1), for “relevant authority’s” substitute “Secretary of State’s”;
 - (b) in sub-paragraph (4), for “appropriate national authority” substitute “Secretary of State”;
 - (c) in sub-paragraph (5)—
 - (i) for “relevant authority’s” substitute “Secretary of State’s”;
 - (ii) for “appropriate national authority” substitute “Secretary of State”.

Commencement Information

I28 Sch. 2 para. 5 in force at 14.4.2024, see [s. 30\(2\)\(f\)](#)

- 6 After paragraph 13 of that Schedule insert—

“Application of proceeds by Welsh Ministers

- 14 (1) In the case of a trunk road charging scheme—
- (a) which is made by virtue of subsection (3) of section 167, and
 - (b) which is made wholly or partly for the purpose of reducing or limiting air pollution,
- the Welsh Ministers must publish a statement and lay it before Senedd Cymru as soon as reasonably practicable after the scheme is made.
- (2) The statement must—
- (a) state that the scheme is made wholly or partly for the purpose of limiting or reducing air pollution;

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- (b) provide an estimate of the net proceeds of the scheme for at least the first five financial years in which the scheme will be in operation;
 - (c) specify how the Welsh Ministers propose to apply their share of those net proceeds, and
 - (d) provide an assessment of the expected effect of those proposals on air quality (if any).
- 15 (1) In the case of a trunk road charging scheme—
- (a) which is made by virtue of subsection (3) of section 167, and
 - (b) which is not made (either wholly or partly) for the purpose of reducing or limiting air pollution,
- the Welsh Ministers’ share of the net proceeds of the scheme is available only for application for the purpose of directly or indirectly facilitating the achievement of any policies or proposals relating to transport.
- (2) Where the scheme is made by virtue of paragraph (a) of subsection (3) of section 167, sub-paragraph (1) applies only during the period of ten years beginning with the coming into force of the scheme.
- (3) The Welsh Ministers may by regulations make provision as to circumstances in which—
- (a) the same scheme is to be regarded as continuing in force in spite of a variation of the scheme or the revocation and replacement (with or without modifications) of the scheme, or
 - (b) a different scheme is, or is not, to be regarded as coming into force,
- for the purposes of determining when the period specified in sub-paragraph (2) begins or expires in the case of a scheme.
- (4) Where sub-paragraph (1) no longer applies to a scheme made by virtue of paragraph (a) of subsection (3) of section 167, the Welsh Ministers’ share of the net proceeds of the scheme is available to be applied only as may be specified in, or determined in accordance with, regulations made by the Welsh Ministers.
- (5) The provision that may be made by regulations under sub-paragraph (4) includes provision for sub-paragraph (2) to apply with the substitution for the number of years for the time being mentioned in it of a number of years greater than ten.”

Commencement Information

I29 Sch. 2 para. 6 in force at 14.4.2024, see [s. 30\(2\)\(f\)](#)

7

In section 197 (Part 3: regulations and orders)—

- (a) in subsection (6), for “National Assembly for Wales” substitute “Welsh Ministers”;
- (b) after subsection (6) insert—

“(7) Regulations shall not be made by the Welsh Ministers under—

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- (a) section 182(5), or
 - (b) paragraph 15(4) of Schedule 12,
- unless a draft of the regulations has been laid before, and approved by a resolution of, Senedd Cymru.
- (8) A statutory instrument containing regulations made by the Welsh Ministers under any other provision of this Part shall be subject to annulment in pursuance of a resolution of Senedd Cymru.
- (9) The references in subsections (7) and (8) to regulations made by the Welsh Ministers include regulations made by them jointly with the Secretary of State.”

Commencement Information

I30 Sch. 2 para. 7 in force at 14.4.2024, see [s. 30\(2\)\(f\)](#)

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Changes and effects yet to be applied to :

- s. 1 coming into force by [2024 asc 2 s. 30\(2\)\(a\)](#)
- s. 2 coming into force by [2024 asc 2 s. 30\(2\)\(a\)](#)
- s. 3 coming into force by [2024 asc 2 s. 30\(2\)\(a\)](#)
- s. 4 coming into force by [2024 asc 2 s. 30\(2\)\(a\)](#)
- s. 5 coming into force by [2024 asc 2 s. 30\(2\)\(a\)](#)
- s. 6 coming into force by [2024 asc 2 s. 30\(2\)\(a\)](#)
- s. 8 coming into force by [2024 asc 2 s. 30\(2\)\(b\)](#)
- s. 9 coming into force by [2024 asc 2 s. 30\(2\)\(c\)](#)
- s. 10 coming into force by [2024 asc 2 s. 30\(2\)\(d\)](#)
- s. 12 coming into force by [2024 asc 2 s. 30\(2\)\(d\)](#)
- s. 13 coming into force by [2024 asc 2 s. 30\(2\)\(d\)](#)
- s. 14 coming into force by [2024 asc 2 s. 30\(2\)\(d\)](#)
- s. 15 coming into force by [2024 asc 2 s. 30\(2\)\(e\)](#)
- s. 22 coming into force by [2024 asc 2 s. 30\(2\)\(f\)](#)
- s. 23 coming into force by [2024 asc 2 s. 30\(2\)\(f\)](#)
- s. 24 coming into force by [2024 asc 2 s. 30\(2\)\(g\)](#)
- s. 25 coming into force by [2024 asc 2 s. 30\(2\)\(h\)](#)
- s. 26 coming into force by [2024 asc 2 s. 30\(2\)\(h\)](#)
- s. 27 coming into force by [2024 asc 2 s. 30\(2\)\(i\)](#)
- Sch. 2 para. 1 coming into force by [2024 asc 2 s. 30\(2\)\(f\)](#)
- Sch. 2 para. 2 coming into force by [2024 asc 2 s. 30\(2\)\(f\)](#)
- Sch. 2 para. 3 coming into force by [2024 asc 2 s. 30\(2\)\(f\)](#)
- Sch. 2 para. 4 coming into force by [2024 asc 2 s. 30\(2\)\(f\)](#)
- Sch. 2 para. 5 coming into force by [2024 asc 2 s. 30\(2\)\(f\)](#)
- Sch. 2 para. 6 coming into force by [2024 asc 2 s. 30\(2\)\(f\)](#)
- Sch. 2 para. 7 coming into force by [2024 asc 2 s. 30\(2\)\(f\)](#)