

*Status: Point in time view as at 09/01/2022. This version of this provision is not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Environment Act 2021, Paragraph 13. (See end of Document for details)*

## SCHEDULES

VALID FROM 28/02/2022

### SCHEDULE 3

#### THE OFFICE FOR ENVIRONMENTAL PROTECTION: NORTHERN IRELAND

#### PART 1

#### THE OEP'S NORTHERN IRELAND FUNCTIONS

*Judicial review: powers to apply to prevent serious damage and to intervene*

- 13 (1) The OEP may make an application for judicial review in relation to conduct of a relevant public authority (whether or not it has given an information notice or a decision notice to the authority in respect of that conduct) if—
- (a) the OEP considers that the conduct constitutes a serious failure to comply with relevant environmental law, and
  - (b) the urgency condition is met.
- (2) The urgency condition is that making an application under sub-paragraph (1) (rather than proceeding under paragraphs 9 to 12) is necessary to prevent, or mitigate, serious damage to the natural environment or to human health.
- (3) If, on an application for judicial review made by virtue of sub-paragraph (1), there is a finding that a relevant public authority has failed to comply with relevant environmental law, and the finding has not been overturned on appeal, the authority must publish a statement that sets out the steps it intends to take in light of the finding.
- (4) A statement under sub-paragraph (3) must be published before the end of the 2 month period beginning with the day the proceedings relating to the application for judicial review (including any appeal) conclude.
- (5) Sub-paragraph (6) applies to proceedings (including any appeal) that—
- (a) are in respect of an application for judicial review, and
  - (b) relate to an alleged failure by a relevant public authority to comply with relevant environmental law (however the allegation is framed in those proceedings).
- (6) If the OEP considers that the alleged failure, if it occurred, would be serious, it may apply to intervene in the proceedings (whether it considers that the relevant public authority has, or has not, failed to comply with relevant environmental law).

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**Commencement Information**

- II** Sch. 3 para. 13 not in force at Royal Assent, see [s. 147\(6\)\(7\)](#)

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