

Status: Point in time view as at 09/11/2021. 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 17. (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

Confidentiality of proceedings

- 17 (1) The OEP must not disclose—
- (a) information obtained under paragraph 9(3)(b), or
 - (b) correspondence between the OEP and a relevant public authority that—
 - (i) relates to a particular information notice or decision notice, or
 - (ii) is, or contains, such a notice.
- (2) Sub-paragraph (1) does not apply to a disclosure—
- (a) other than a disclosure of an information notice or a decision notice, made with the consent of the person who provided the information or correspondence;
 - (b) made for purposes connected with an investigation under paragraph 7 or section 33;
 - (c) made for purposes connected with the co-ordination of the OEP's functions that relate to investigations under paragraph 7 and the Northern Ireland Public Services Ombudsman's functions that relate to investigations by the Ombudsman;
 - (d) made for purposes connected with the co-ordination of the OEP's functions that relate to investigations under section 33 and functions of a relevant ombudsman that relate to investigations by that ombudsman;
 - (e) made for the purposes of any publication of a report (or part of it) on an investigation under paragraph 7 or section 33;
 - (f) made for purposes connected with the exercise of the OEP's functions under paragraphs 9 to 15 or sections 35 to 41 (enforcement);
 - (g) made to a devolved environmental governance body for purposes connected with the exercise of a devolved environmental governance function;
 - (h) made for purposes connected with the protection of the natural environment in a country or territory outside the United Kingdom, to an authority of that country or territory, or an international organisation, that has functions in

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- connection with the protection of the natural environment in that country or territory;
- (i) of information, or correspondence, that relates only to a matter in relation to which the OEP has concluded that it intends to take no further steps under this Part of this Schedule or under Chapter 2 of Part 1 of this Act.
- (3) A relevant public authority must not disclose correspondence between the OEP and that, or any other, relevant public authority that—
- (a) relates to a particular information notice, decision notice, UK information notice or UK decision notice, or
- (b) is, or contains, such a notice.
- (4) Sub-paragraph (3) does not apply to a disclosure—
- (a) made—
- (i) in the case of a disclosure of correspondence between another relevant public authority and the OEP other than correspondence that is, or contains, an information notice, a decision notice, a UK information notice or a UK decision notice, with the consent of that authority and the OEP, or
- (ii) in any other case, with the specific or general consent of the OEP;
- (b) made for purposes connected with co-operating with any investigation under paragraph 7 or section 33;
- (c) made for purposes connected with responding to any information notice or decision notice;
- (d) made for purposes connected with any proceedings in relation to a review application, an environmental review, a judicial review or a statutory review (within the meaning given by section 39(8)(b)).
- (5) The OEP may not give a person consent to disclose an information notice, a decision notice, a UK information notice or a UK decision notice unless that notice relates only to a matter in relation to which the OEP has concluded that it intends to take no further steps under this Part of this Schedule or under Chapter 2 of Part 1 of this Act.
- (6) If a relevant public authority requests the consent of the OEP to disclose correspondence that relates only to a matter in relation to which the OEP has concluded that it intends to take no further steps under this Part of this Schedule or under Chapter 2 of Part 1 of this Act, the OEP may not withhold that consent.
- (7) If information referred to in sub-paragraph (1) and held by the OEP, or referred to in sub-paragraph (3) and held by a relevant public authority, is environmental information for the purposes of the Environmental Information Regulations 2004 (S.I. 2004/3391) or the Environmental Information (Scotland) Regulations 2004 (S.S.I. 2004/520), it is held by that person, for the purposes of the application of those regulations to that information, in connection with confidential proceedings.

Commencement Information

II Sch. 3 para. 17 not in force at Royal Assent, see s. 147(6)(7)

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