



Environment Act 2021

2021 CHAPTER 30

PART 1

ENVIRONMENTAL GOVERNANCE

CHAPTER 3

INTERPRETATION OF PART 1

46 Meaning of “environmental law”

- (1) In this Part “environmental law” means any legislative provision to the extent that it—
 - (a) is mainly concerned with environmental protection, and
 - (b) is not concerned with an excluded matter.
- (2) Excluded matters are—
 - (a) disclosure of or access to information;
 - (b) the armed forces or national security;
 - (c) taxation, spending or the allocation of resources within government.
- (3) The reference in subsection (1) to “legislative provision” does not include devolved legislative provision, except for the purposes of section 20.
- (4) “Devolved legislative provision” means—
 - (a) legislative provision contained in, or in an instrument made under, an Act of the Scottish Parliament, an Act or Measure of Senedd Cymru, or Northern Ireland legislation, and
 - (b) legislative provision not within paragraph (a) which—
 - (i) if contained in an Act of the Scottish Parliament, would be within the legislative competence of the Parliament;
 - (ii) if contained in an Act of Senedd Cymru, would be within the legislative competence of the Senedd, or

Changes to legislation: There are currently no known outstanding effects for the Environment Act 2021, Section 46. (See end of Document for details)

- (iii) if contained in an Act of the Northern Ireland Assembly, would be within the legislative competence of the Assembly and would not require the Secretary of State's consent.
- (5) The Secretary of State may by regulations provide that a legislative provision specified in the regulations is, or is not, within the definition of "environmental law" in subsection (1) (and this Part applies accordingly).
- (6) Before making regulations under subsection (5) the Secretary of State must consult—
- (a) the OEP, and
 - (b) any other persons the Secretary of State considers appropriate.
- (7) Regulations under subsection (5) are subject to the affirmative procedure.

Commencement Information

- I1** S. 46 not in force at Royal Assent, see [s. 147\(3\)](#)
- I2** S. 46 in force at 17.11.2021 by [S.I. 2021/1274](#), [reg. 2\(g\)](#)

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