



Environment Act 1995

1995 CHAPTER 25

PART IV

AIR QUALITY

86 Functions of county councils for areas for which there are district councils.

- (1) This section applies in any case where a district in England for which there is a district council is comprised in an area for which there is a county council; and in this paragraph—
 - (a) any reference to the county council is a reference to the council of that area; and
 - (b) any reference to a district council is a reference to the council of a district comprised in that area.
- (2) The county council may make recommendations to a district council with respect to the carrying out of—
 - (a) any particular air quality review,
 - (b) any particular assessment under section 82 [^{F1}or 84] above, or
 - (c) the preparation of any particular action plan or revision of an action plan,and the district council shall take into account any such recommendations.
- (3) Where a district council is preparing an action plan, the county council shall, within the relevant period, submit to the district council proposals for the exercise (so far as relating to the designated area) by the county council, in pursuit of the achievement of air quality standards and objectives, of any powers exercisable by the county council.
- (4) Where the county council submits proposals to a district council in pursuance of subsection (3) above, it shall also submit a statement of the time or times by or within which it proposes to implement each of the proposals.
- (5) An action plan shall include a statement of—
 - (a) any proposals submitted pursuant to subsection (3) above; and

Status: Point in time view as at 31/12/2020. This version of this provision has been superseded.

Changes to legislation: Environment Act 1995, Section 86 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) any time or times set out in the statement submitted pursuant to subsection (4) above.
- (6) If it appears to the Secretary of State—
- (a) that air quality standards or objectives are not being achieved, or are not likely within the relevant period to be achieved, within the area of a district council,
 - (b) that the county council has failed to discharge any duty imposed on it under or by virtue of this Part,
 - (c) that the actions, or proposed actions, of the county council in purported compliance with the provisions of this Part are inappropriate in all the circumstances of the case, or
 - (d) that developments in science or technology, or material changes in circumstances, have rendered inappropriate the actions or proposed actions of the county council in pursuance of this Part,
- the Secretary of State may give directions to the county council requiring it to take such steps as may be specified in the directions.
- (7) Without prejudice to the generality of subsection (6) above, directions under that subsection may, in particular, require the county council—
- (a) to submit, in accordance with the directions, proposals pursuant to subsection (3) above or a statement pursuant to subsection (4) above;
 - (b) to modify, in accordance with the directions, any proposals or statement submitted by the county council pursuant to subsection (3) or (4) above;
 - (c) to submit any proposals or statement so modified to the district council in question pursuant to subsection (3) or (4) above; or
 - (d) to implement, in accordance with the directions, any measures included in an action plan.
- (8) The Secretary of State shall also have power to give directions to county councils for areas for which there are district councils requiring them to take such steps specified in the directions as he considers appropriate^{F2}...—
- ^{F3}(a) for securing that any retained EU obligation is met, or]
 - (b) [^{F4}for the implementation of] any international agreement to which the United Kingdom is for the time being a party,
- so far as relating to the quality of air.
- (9) Any direction given under this section shall be published in such manner as the Secretary of State considers appropriate for the purpose of bringing the matters to which it relates to the attention of persons likely to be affected by them; and—
- (a) copies of the direction shall be made available to the public; and
 - (b) notice of the giving of the direction, and of where a copy of the direction may be obtained, shall be given in the London Gazette.
- (10) It is the duty of a county council for an area for which there are district councils to comply with any direction given to it under or by virtue of this Part.

Textual Amendments

F1 Words in s. 86(2)(b) omitted (E. W.) (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\), s. 115\(3\)\(q\), Sch. 13 para. 8\(2\)\(a\)](#)

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- F2** Words in s. 86(8) omitted (31.12.2020) by virtue of The Environment (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/458), regs. 1(1), **3(8)(a)** (with reg. 8(1)(2)) (as amended by S.I. 2020/1540, regs. 1(3), 12(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F3** S. 86(8)(a) substituted (31.12.2020) by The Environment (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/458), regs. 1(1), **3(8)(b)** (with reg. 8(1)(2)) (as amended by S.I. 2020/1540, regs. 1(3), 12(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in s. 86(8)(b) inserted (31.12.2020) by The Environment (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/458), regs. 1(1), **3(8)(c)** (with reg. 8(1)(2)) (as amended by S.I. 2020/1540, regs. 1(3), 12(5)); 2020 c. 1, Sch. 5 para. 1(1)

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