



Environment Act 2021

2021 CHAPTER 30

PART 1

ENVIRONMENTAL GOVERNANCE

CHAPTER 3

INTERPRETATION OF PART 1

44 Meaning of “natural environment”

In this Part the “natural environment” means—

- (a) plants, wild animals and other living organisms,
 - (b) their habitats,
 - (c) land (except buildings or other structures), air and water,
- and the natural systems, cycles and processes through which they interact.

Commencement Information

- I1** S. 44 not in force at Royal Assent, see [s. 147\(3\)](#)
- I2** [S. 44](#) in force at 17.11.2021 by [S.I. 2021/1274](#), [reg. 2\(e\)](#)

45 Meaning of “environmental protection”

In this Part “environmental protection” means—

- (a) protection of the natural environment from the effects of human activity;
- (b) protection of people from the effects of human activity on the natural environment;
- (c) maintenance, restoration or enhancement of the natural environment;
- (d) monitoring, assessing, considering, advising or reporting on anything in paragraphs (a) to (c).

Status: Point in time view as at 01/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Environment Act 2021, CHAPTER 3. (See end of Document for details)

Commencement Information

- I3** S. 45 not in force at Royal Assent, see [s. 147\(3\)](#)
I4 S. 45 in force at 17.11.2021 by [S.I. 2021/1274](#), [reg. 2\(f\)](#)

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
 - (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

- I5** S. 46 not in force at Royal Assent, see [s. 147\(3\)](#)
I6 S. 46 in force at 17.11.2021 by [S.I. 2021/1274](#), [reg. 2\(g\)](#)

47 Interpretation of Part 1: general

[^{F1}(1)] In this Part—

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“application for judicial review” is to be read in accordance with section 39(8);

“current environmental improvement plan” has the meaning given by section 8(8);

“decision notice” means a notice given under section 36;

“devolved environmental governance body” means a person on whom a devolved environmental governance function has been conferred;

“devolved environmental governance function” means a [^{F2}Scottish devolved function or Welsh devolved function] that is similar to a function conferred on the OEP under this Part [^{F3}or Part 1 of Schedule 3 (functions of the OEP in Northern Ireland)];

“devolved function” means—

- (a) a function exercisable in or as regards Wales that could be conferred by provision falling within the legislative competence of Senedd Cymru (see section 108A of the Government of Wales Act 2006);
- (b) a function exercisable in or as regards Scotland, the exercise of which would be within devolved competence (within the meaning of section 54 of the Scotland Act 1998);
- (c) a function exercisable in or as regards Northern Ireland that could be conferred by provision included in an Act of the Northern Ireland Assembly made without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998);

“devolved legislature” means the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly;

“environmental improvement plan” has the meaning given by section 8 (and see also section 10(10));

“environmental principles” has the meaning given by section 17;

“environmental review” has the meaning given by section 38;

“first environmental improvement plan” has the meaning given by section 8(8);

“improving the natural environment”, in relation to an environmental improvement plan, is to be read in accordance with section 8(5);

“information notice” means a notice given under section 35;

“judicial review” means—

- (a) in England and Wales or Northern Ireland, an application to the High Court for judicial review, or
- (b) in Scotland, an application to the supervisory jurisdiction of the Court of Session;

“making” policy includes developing, adopting or revising policy;

“met”, in relation to a target set under sections 1 to 3, has the meaning given by section 4(7);

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;

[^{F4}“Northern Ireland decision notice” means a notice given under paragraph 10 of Schedule 3 (functions of the OEP in Northern Ireland);]

[^{F4}“Northern Ireland information notice” means a notice given under paragraph 9 of Schedule 3;]

“OEP” has the meaning given by section 22;

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“parliamentary function” means a function in connection with proceedings in Parliament or a devolved legislature;

“policy” includes proposals for legislation, but does not include an administrative decision taken in relation to a particular person or case (for example, a decision on an application for planning permission, funding or a licence, or a decision about regulatory enforcement);

“policy statement on environmental principles” has the meaning given by section 17;

“public authority” has the meaning given by section 31(3);

“relevant Minister” has the meaning given by section 33;

“relevant ombudsman” has the meaning given by section 23;

[^{F4}“review application” has the meaning it has in Part 1 of Schedule 3 (see paragraph 12 of that Schedule);]

[^{F4}“Scottish devolved function” means a function exercisable in or as regards Scotland, the exercise of which would be within devolved competence (within the meaning of section 54 of the Scotland Act 1998);]

“specified date” and “specified standard”, in relation to a target set under sections 1 to 3, have the meaning given by section 1(8);

“statutory review” has the meaning given by section 39(8).

[^{F4}“Welsh devolved function” means a function exercisable in or as regards Wales that could be conferred by provision falling within the legislative competence of Senedd Cymru (see section 108A of the Government of Wales Act 2006).]

[^{F5}(2) Section 41(3) of the [Interpretation Act \(Northern Ireland\) 1954 \(c. 33 \(N.I.\)\)](#) applies in relation to the laying of a document before the Northern Ireland Assembly under this Part, as it applies in relation to the laying of a statutory document under an Act of the Northern Ireland Assembly.]

Textual Amendments

- F1** S. 47 renumbered as s. 47(1) (28.2.2022) by [Environment Act 2021 \(c. 30\)](#), s. 147(6)(7), **Sch. 3 para. 28(2)** (with s. 144); S.R. 2022/54, **art. 2(1)(a)**
- F2** Words in s. 47(1) substituted (28.2.2022) by [Environment Act 2021 \(c. 30\)](#), s. 147(6)(7), **Sch. 3 para. 28(3)(a)(i)** (with s. 144); S.R. 2022/54, art. 2(1)(a)
- F3** Words in s. 47(1) inserted (28.2.2022) by [Environment Act 2021 \(c. 30\)](#), s. 147(6)(7), **Sch. 3 para. 28(3)(a)(ii)** (with s. 144); S.R. 2022/54, art. 2(1)(a)
- F4** Words in s. 47(1) inserted (28.2.2022) by [Environment Act 2021 \(c. 30\)](#), s. 147(6)(7), **Sch. 3 para. 28(3)(b)** (with s. 144); S.R. 2022/54, art. 2(1)(a)
- F5** S. 47(2) inserted (28.2.2022) by [Environment Act 2021 \(c. 30\)](#), s. 147(6)(7), **Sch. 3 para. 28(4)** (with s. 144); S.R. 2022/54, art. 2(1)(a)

Commencement Information

- I7** S. 47 not in force at Royal Assent, see **s. 147(3)**
- I8** S. 47 in force at 17.11.2021 by S.I. 2021/1274, **reg. 2(h)**

Status:

Point in time view as at 01/04/2023.

Changes to legislation:

There are currently no known outstanding effects for the Environment Act 2021, CHAPTER 3.