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*Status: Point in time view as at 30/09/2022.*

*Changes to legislation: There are currently no known outstanding effects for the Environment Act 2021, Paragraph 5. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 17

#### USE OF FOREST RISK COMMODITIES IN COMMERCIAL ACTIVITY

##### PART 1

##### REQUIREMENTS

###### *Exemption*

- 5 (1) A regulated person in relation to a forest risk commodity is exempt from the Part 1 requirements in respect of their use of that commodity, or a product derived from that commodity, in their UK commercial activities during a reporting period if they satisfy the following two conditions.
- (2) Condition 1 is that before the start of the period, the person gives a notice to the relevant enforcement authority containing—
- (a) a declaration that the person is satisfied on reasonable grounds that the amount of the commodity used in their UK commercial activities during the period will not exceed the prescribed threshold, and
  - (b) the prescribed information.
- (3) Condition 2 is that the amount of the commodity used in the person's UK commercial activities during the period does not exceed the prescribed threshold.
- (4) Sub-paragraphs (5) and (6) apply where—
- (a) a regulated person gives a notice under sub-paragraph (2), but
  - (b) the amount of the commodity used in the person's UK commercial activities during the period exceeds the prescribed threshold.
- (5) If, before the relevant date, the regulated person gives a notice to the relevant enforcement authority containing the prescribed information, the person is exempt from the Part 1 requirements in respect of their use of the commodity, or the product derived from the commodity, in their UK commercial activities during the part of the reporting period—
- (a) beginning with the start of the period, and
  - (b) ending with the date the notice is given.
- (6) If the regulated person does not give a notice under sub-paragraph (5), the person is not exempt from the Part 1 requirements in respect of their use of the commodity, or the product derived from the commodity, in their UK commercial activities during any part of the reporting period.
- (7) In this paragraph—
- “prescribed” means prescribed in regulations made by the Secretary of State;

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“relevant date” means the date during the reporting period that the amount of the commodity used in the person’s UK commercial activities exceeds the prescribed threshold;

“relevant enforcement authority” means the enforcement authority on which the function of receiving notices under this paragraph has been conferred by Part 2 regulations.

- (8) Regulations under this paragraph may in particular—
- (a) prescribe thresholds by reference to weight or volume;
  - (b) make provision about how the amount of a forest risk commodity used in a regulated person’s UK commercial activities (including in relation to a forest risk commodity from which a product is derived) is to be determined,
- and regulations under paragraph (b) may include provision for determining the amount by reference to matters determined or published by the Secretary of State or other persons.
- (9) Before making regulations under this paragraph (except under sub-paragraph (2)(b) or (5)) the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (10) The requirement to consult in sub-paragraph (9) may be met by consultation carried out before this paragraph comes into force.

#### Commencement Information

- I1** Sch. 17 para. 5 not in force at Royal Assent, see [s. 147\(3\)](#)
- I2** Sch. 17 para. 5 in force at 30.9.2022 for specified purposes by [S.I. 2022/518, reg. 3\(d\)](#)

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