
Changes to legislation: There are currently no known outstanding effects for the Environment Act 2021, Paragraph 17. (See end of Document for details)

SCHEDULES

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 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.

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- (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

- I1** Sch. 3 para. 17 not in force at Royal Assent, see [s. 147\(6\)\(7\)](#)
- I2** [Sch. 3 para. 17\(1\)-\(6\)](#) in force at 28.2.2022 by [S.R. 2022/54](#), [art. 2\(1\)\(a\)](#)
- I3** [Sch. 3 para. 17\(7\)](#) in force at 28.2.2022 for N.I. by [S.R. 2022/54](#), [art. 2\(1\)\(a\)](#)

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