



Environment Act 2021

2021 CHAPTER 30

PART 1

ENVIRONMENTAL GOVERNANCE

CHAPTER 2

THE OFFICE FOR ENVIRONMENTAL PROTECTION

The Office for Environmental Protection

23 Principal objective of the OEP and exercise of its functions

- (1) The principal objective of the OEP in exercising its functions is to contribute to—
 - (a) environmental protection, and
 - (b) the improvement of the natural environment.
- (2) The OEP must—
 - (a) act objectively and impartially, and
 - (b) have regard to the need to act proportionately and transparently.
- (3) The OEP must prepare a strategy that sets out how it intends to exercise its functions.
- (4) In particular, the strategy must set out—
 - (a) how the OEP will further its principal objective,
 - (b) how the OEP will act objectively and impartially, and
 - (c) how the OEP will have regard to the need to act proportionately and transparently.
- (5) The strategy must also set out—
 - (a) how the OEP intends to avoid any overlap between the exercise of its functions and the exercise by the Committee on Climate Change of that committee's functions, and

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- (b) how the OEP intends to co-operate with devolved environmental governance bodies.
- (6) The strategy must contain an enforcement policy that sets out—
- (a) how the OEP intends to determine whether failures to comply with environmental law are serious for the purposes of sections 33(1)(b) and (2)(b), 35(1)(b), 36(1)(b), 38(1)(b) and 39(1)(a) and (7),
- [^{F1}(aa) how the OEP intends to determine whether failures to comply with relevant environmental law are serious for the purposes of paragraphs 7(1)(b) and (2)(b), 9(1)(b), 10(1)(b), 12(1)(b) and 13(1) and (6) of Schedule 3,]
- (b) how the OEP intends to determine whether damage to the natural environment or to human health is serious for the purposes of section 39(2), [^{F2}or paragraph 13(2) of Schedule 3,]
- (c) how the OEP intends to exercise its enforcement functions in a way that respects the integrity of other statutory regimes (including statutory provision for appeals),
- (d) how the OEP intends to avoid any overlap between the exercise of its functions under sections 32 to 34 (complaints) and the exercise by each relevant ombudsman of their functions, ^{F3}...
- [^{F4}(da) how the OEP intends to avoid any overlap between the exercise of its functions under paragraphs 6 to 8 of Schedule 3 (complaints) and the exercise by the Northern Ireland Public Services Ombudsman of its functions, and]
- (e) how the OEP intends to prioritise cases.
- (7) In considering its enforcement policy the OEP must have regard to the particular importance of prioritising cases that it considers have or may have national implications, and the importance of prioritising cases—
- (a) that relate to ongoing or recurrent conduct,
- (b) that relate to conduct that the OEP considers may cause (or has caused) serious damage to the natural environment or to human health, or
- (c) that the OEP considers may raise a point of environmental law [^{F5}or Northern Ireland environmental law] of general public importance.
- [^{F6}(7A) In this section “relevant environmental law” and “Northern Ireland environmental law” have the meanings they have in Part 1 of Schedule 3 (see paragraphs 5 and 18(2) of that Schedule).]
- (8) The OEP’s “enforcement functions” are its functions under sections 32 to 41 [^{F7}and paragraphs 6 to 15 of Schedule 3].
- (9) For the purposes of this Part, each of the following is a “relevant ombudsman”—
- (a) the Commission for Local Administration in England;
- (b) the Parliamentary Commissioner for Administration.

Textual Amendments

- F1** S. 23(6)(aa) inserted (28.2.2022) by Environment Act 2021 (c. 30), s. 147(6)(7), Sch. 3 para. 21(2)(a) (with s. 144); S.R. 2022/54, art. 2(1)(a)
- F2** Words in s. 23(6)(b) inserted (28.2.2022) by Environment Act 2021 (c. 30), s. 147(6)(7), Sch. 3 para. 21(2)(b) (with s. 144); S.R. 2022/54, art. 2(1)(a)
- F3** Word in s. 23(6)(d) omitted (28.2.2022) by virtue of Environment Act 2021 (c. 30), s. 147(6)(7), Sch. 3 para. 21(2)(c) (with s. 144); S.R. 2022/54, art. 2(1)(a)

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- F4** S. 23(6)(da) inserted (28.2.2022) by Environment Act 2021 (c. 30), s. 147(6)(7), **Sch. 3 para. 21(2)(d)** (with s. 144); S.R. 2022/54, art. 2(1)(a)
- F5** Words in s. 23(7)(c) inserted (28.2.2022) by Environment Act 2021 (c. 30), s. 147(6)(7), **Sch. 3 para. 21(3)** (with s. 144); S.R. 2022/54, art. 2(1)(a)
- F6** S. 23(7A) inserted (28.2.2022) by Environment Act 2021 (c. 30), s. 147(6)(7), **Sch. 3 para. 21(4)** (with s. 144); S.R. 2022/54, art. 2(1)(a)
- F7** Words in s. 23(8) inserted (28.2.2022) by Environment Act 2021 (c. 30), s. 147(6)(7), **Sch. 3 para. 21(5)** (with s. 144); S.R. 2022/54, art. 2(1)(a)

Commencement Information

- I1** S. 23 not in force at Royal Assent, see **s. 147(3)**
- I2** S. 23 in force at 17.11.2021 by S.I. 2021/1274, **reg. 2(b)**

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Changes to legislation:

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