



Environment Act 2021

2021 CHAPTER 30

PART 1

ENVIRONMENTAL GOVERNANCE

CHAPTER 2

THE OFFICE FOR ENVIRONMENTAL PROTECTION

The Office for Environmental Protection

25 Guidance on the OEP's enforcement policy and functions

- (1) The Secretary of State may issue guidance to the OEP on the matters listed in section 23(6) (OEP's enforcement policy)^[F1], so far as relating to the OEP's Part 1 enforcement functions.]
- (2) The OEP must have regard to the guidance in—
 - (a) preparing its enforcement policy, ^[F2]so far as relating to its Part 1 enforcement functions,] and
 - (b) exercising its ^[F3]Part 1 enforcement functions].
- (3) The OEP's "^[F4]Part 1 enforcement functions]" are its functions under sections 32 to 41.
- (4) Before issuing the guidance, the Secretary of State must—
 - (a) prepare a draft, and
 - (b) lay the draft before Parliament.
- (5) If before the end of the 21 day period—
 - (a) either House of Parliament passes a resolution in respect of the draft guidance, or
 - (b) a committee of either House of Parliament, or a joint committee of both Houses, makes recommendations in respect of the draft guidance,

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Changes to legislation: There are currently no known outstanding effects for the Environment Act 2021, Section 25. (See end of Document for details)

the Secretary of State must produce a response and lay it before Parliament.

- (6) The Secretary of State may prepare and lay before Parliament the final guidance, but not before—
- (a) if subsection (5) applies, the day on which the Secretary of State lays the response required by that subsection, or
 - (b) otherwise, the end of the 21 day period.
- (7) The final guidance has effect when it is laid before Parliament.
- (8) The Secretary of State must publish the guidance when it comes into effect.
- (9) The “21 day period” is the period of 21 sitting days beginning with the first sitting day after the day on which the draft guidance is laid under subsection (4).
- (10) “Sitting day” means a day on which both Houses of Parliament sit.
- (11) The Secretary of State may revise the guidance at any time (and subsections (4) to (10) apply in relation to any revised guidance).

Textual Amendments

- F1** Words in s. 25(1) inserted (28.2.2022) by Environment Act 2021 (c. 30), s. 147(6)(7), **Sch. 3 para. 23(2)** (with s. 144); S.R. 2022/54, art. 2(1)(a)
- F2** Words in s. 25(2)(a) inserted (28.2.2022) by Environment Act 2021 (c. 30), s. 147(6)(7), **Sch. 3 para. 23(3)(a)** (with s. 144); S.R. 2022/54, art. 2(1)(a)
- F3** Words in s. 25(2)(b) substituted (28.2.2022) by Environment Act 2021 (c. 30), s. 147(6)(7), **Sch. 3 para. 23(3)(b)** (with s. 144); S.R. 2022/54, art. 2(1)(a)
- F4** Words in s. 25(3) substituted (28.2.2022) by Environment Act 2021 (c. 30), s. 147(6)(7), **Sch. 3 para. 23(4)** (with s. 144); S.R. 2022/54, art. 2(1)(a)

Commencement Information

- I1** S. 25 not in force at Royal Assent, see s. 147(3)
- I2** S. 25 in force at 24.1.2022 by S.I. 2022/48, reg. 2(d)

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