



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).
- (2) The OEP must have regard to the guidance in—
 - (a) preparing its enforcement policy, and
 - (b) exercising its enforcement functions.
- (3) The OEP's "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 - (a) either House of Parliament passes a resolution in respect of the draft guidance, or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a committee of either House of Parliament, or a joint committee of both Houses, makes recommendations in respect of the draft guidance,the Secretary of State must produce a response and lay it before Parliament.

Status: This is the original version (as it was originally enacted).

- (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The “21 day period” is the period of 21 sitting days beginning with the first sitting day after the day on which the draft guidance is laid under subsection (4).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).