



# Environment Act 2021

## 2021 CHAPTER 30

### PART 1

#### ENVIRONMENTAL GOVERNANCE

### CHAPTER 2

#### THE OFFICE FOR ENVIRONMENTAL PROTECTION

##### *The OEP's enforcement functions*

### **33 Investigations**

- (1) The OEP may carry out an investigation under this section if it receives a complaint made under section 32 that, in its view, indicates that—
  - (a) a public authority may have failed to comply with environmental law, and
  - (b) if it has, the failure would be a serious failure.
- (2) The OEP may carry out an investigation under this section without having received such a complaint if it has information that, in its view, indicates that—
  - (a) a public authority may have failed to comply with environmental law, and
  - (b) if it has, the failure would be a serious failure.
- (3) An investigation under this section is an investigation into whether the public authority has failed to comply with environmental law.
- (4) The OEP must notify the public authority of the commencement of the investigation.
- (5) The OEP must prepare a report on the investigation and provide it to the public authority.
- (6) The OEP is not required to prepare a report until it has concluded that it intends to take no further steps under this Chapter in relation to the alleged failure to comply with environmental law that is the subject of the investigation.

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*Status: This is the original version (as it was originally enacted).*

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- (7) The OEP is not required to prepare a report if it has applied for an environmental review, judicial review or statutory review (see sections 38 and 39) in relation to the alleged failure.
- (8) The report must set out—
  - (a) whether the OEP considers that the public authority has failed to comply with environmental law,
  - (b) the reasons the OEP came to that conclusion, and
  - (c) any recommendations the OEP may have (whether generally or for the public authority) in light of those conclusions.
- (9) The OEP may publish the report or parts of it.
- (10) If the public authority is not a Minister of the Crown, the OEP must also—
  - (a) notify the relevant Minister of the commencement of the investigation, and
  - (b) provide the relevant Minister with the report prepared under subsection (5).
- (11) In this Part “the relevant Minister”, in relation to a failure (or alleged failure) of a public authority to comply with environmental law, means the Minister of the Crown that the OEP considers appropriate having regard to the nature of the public authority and the nature of the failure.