



Environment Act 2021

2021 CHAPTER 30

PART 1

ENVIRONMENTAL GOVERNANCE

CHAPTER 2

THE OFFICE FOR ENVIRONMENTAL PROTECTION

The OEP's enforcement functions

35 Information notices

- (1) The OEP may give an information notice to a public authority if—
 - (a) the OEP has reasonable grounds for suspecting that the authority has failed to comply with environmental law, and
 - (b) it considers that the failure, if it occurred, would be serious.
- (2) An information notice is a notice which—
 - (a) describes an alleged failure of a public authority to comply with environmental law,
 - (b) explains why the OEP considers that the alleged failure, if it occurred, would be serious, and
 - (c) requests that the authority provide such information relating to the allegation as may be specified in the notice.
- (3) The recipient of an information notice must—
 - (a) respond in writing to the notice, and
 - (b) so far as is reasonably practicable, provide the OEP with the information requested in the notice.
- (4) The recipient of an information notice must comply with subsection (3) by—

Status: Point in time view as at 17/05/2024.

Changes to legislation: There are currently no known outstanding effects for the Environment Act 2021, Section 35. (See end of Document for details)

- (a) the end of the 2 month period beginning with the day on which the notice was given, or
 - (b) such later date as may be specified in the notice.
- (5) The written response to an information notice must set out—
- (a) the recipient’s response to the allegation described in the notice, and
 - (b) what steps (if any) the recipient intends to take in relation to the allegation.
- (6) The OEP may—
- (a) withdraw an information notice;
 - (b) give more than one information notice in respect of the same alleged failure of a public authority to comply with environmental law.
- (7) Where the OEP intends to give an information notice to a public authority in respect of an alleged failure to comply with environmental law which relates to emissions of greenhouse gases (within the meaning of the Climate Change Act 2008), the OEP—
- (a) must notify the Committee on Climate Change of its intention before it gives the notice to the authority, and
 - (b) must provide that Committee with such information relating to the alleged failure as the OEP considers appropriate.

Commencement Information

- I1** S. 35 not in force at Royal Assent, see [s. 147\(3\)](#)
- I2** [S. 35](#) in force at 24.1.2022 by [S.I. 2022/48](#), [reg. 2\(g\)](#)

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