

EXPLANATORY MEMORANDUM TO
THE FINANCIAL ASSISTANCE FOR ENVIRONMENTAL PURPOSES ORDER
2006

2006 No. 1735

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The instrument gives the Secretary of State the power to make payments under the World Summit on Sustainable Development Implementation Fund and under the Envirowise Programme. The World Summit on Sustainable Development Implementation Fund aims to accelerate implementation of commitments made at the World Summit on Sustainable Development. The Envirowise Programme aims to promote resource efficiency and waste minimisation to Business.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 The instrument is being made under section 153(4) of the Environmental Protection Act 1990. This section enables the Secretary of State, by Order, to vary section 153(1) by “adding to or deleting from it any description of organisation, scheme, programme or international agreement whose purposes relate to the protection, improvement or better understanding of the environment.”.

4.2 The instrument varies section 153(1) of the 1990 Act by adding the World Summit on Sustainable Development Implementation Fund and the Envirowise Programme to the list of schemes that the Secretary of State, with the consent of the Treasury, can give financial assistance to, or for the purposes of. The schemes are UK-initiatives and do not implement European legislation.

5. Extent

5.1 This instrument extends to England and Wales and Northern Ireland, except for Article 2(b) which extends to England and Wales.

6. European Convention on Human Rights

6.1 Ben Bradshaw, Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs, has made the following statement regarding Human Rights:

In my view the provisions of the Financial Assistance For Environmental Purposes Order 2006 are compatible with the Convention rights.

7. Policy background: World Summit on Sustainable Development Implementation Fund

7.1 The World Summit on Sustainable Development (WSSD) took place in Johannesburg in August 2002. The summit set an ambitious agenda, with challenging goals and targets. Participants called for a focus on delivery: a step-change from words to action.

7.2 The UK Government is committed to delivering the outcomes of the summit, recognising that the event was a significant step on a long road to achieving sustainable development. This will not be achieved without significant commitment across government to deliver on a series of wide ranging commitments. It is also recognised that no single nation or entity can address these challenges alone, co-operation is required to ensure that efforts are collectively made, learning is shared and progress achieved.

7.3 The WSSD Implementation Fund (WIF) will enable Defra to take the lead across government and will be used to support previously unfunded cross government activities which are seen as key to achieving a step change from rhetoric to action.

7.4 The purpose of the WIF is to act as a catalyst to accelerate implementation of WSSD commitments, through providing seed funding/pump priming, as opposed to ongoing support, for projects, programmes and initiatives that support the following areas:

- Identifying opportunities to accelerate delivery of WSSD commitments on which Defra leads (oceans, fisheries, biodiversity, chemicals, agriculture and sustainable consumption and production).
- Establishing high level Sustainable Development Dialogues (SDDs) with rapidly developing countries (including India, China, Brazil, South Africa and Mexico).
- Using and promoting multi-stakeholder partnerships as a means of implementation.

7.5 The fund aims to add value through following a series of guiding principles that all funding should broadly address. These are WSSD implementation, complementarity/non duplication, innovation, cross cutting, partnerships and multi-stakeholder engagement and leveraging value for money.

• Policy background: Envirowise Programme

7.6 The Envirowise Programme (formerly known as the Environmental Technology Best Practice Programme) was established in 1994 aimed at helping UK business improve its resource efficiency. To date it has helped business make savings of over £1billion.

7.7 Envirowise is the main Government initiative promoting the resource efficiency message to business, with an emphasis on prevention (avoidance and minimisation of production of waste),. It is a major delivery mechanism for our Sustainable Consumption and Production (SCP) aims and objectives, as set out in the Government Framework ‘Changing Patterns’.

7.8 The Programme provides business with free, independent, confidential advice and support on practical ways to increase profits, minimise waste, be more resource efficient and reduce their environmental impact. Much of this is achieved through offering a range of services such as a telephone helpline and website; best practice guides and case studies; free on-site waste review visits; and workshops.

7.9 Funding for Envirowise has been substantially increased using some of the Landfill Tax escalator receipts via the Business Resource Efficiency and Waste initiative in England and with similar arrangements in the Devolved Administrations. The recently re-tendered contract maintains the UK-wide delivery of the Programme but now reflects Devolution resulting in separate contracts, budgets and business plans for England and the Devolved Administrations. Defra has taken over (from DTI) the contract lead for delivery of the Programme in England.

7.10 To date the legal authority for Programme expenditure has been section 5(1) of the Science and Technology Act 1968. However, due to changes in the nature of programme activity, it has been decided that section 153(1) of the Environmental Protection Act 1990 provides the more appropriate statutory authority.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 There is no impact on the public sector.

9. Contact

9.1 Gerry Duignan, Department for Environment, Food and Rural Affairs, Tel: 0207 082 8670 or e-mail: gerry.duignan@defra.gsi.gov.uk, can answer any queries regarding the instrument.