



House of Commons

Tuesday 24 November 2020

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

ENVIRONMENT BILL

NOTE

This document includes all amendments remaining before the committee and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the Committee [10 March 2020]

Rebecca Pow

231

Clause 130, page 116, line 31, at end insert “except that section (*Use of forest risk commodities in commercial activity*) and Schedule (*Use of forest risk commodities in commercial activity*) (use of forest risk commodities in commercial activity) extend to England and Wales, Scotland and Northern Ireland.”

Member’s explanatory statement

This amendment provides that NC31 and NS1 extend to England and Wales, Scotland and Northern Ireland.

Dr Alan Whitehead

Luke Pollard

Ruth Jones

Daniel Zeichner

Thangam Debbonaire

Abena Oppong-Asare

Jessica Morden

Alex Sobel

Lloyd Russell-Moyle

2

Clause 131, page 117, line 21, leave out “on such day as the Secretary of State may by regulations appoint” and insert “at the end of the period of six months beginning with the day on which this Act is passed”

Environment Bill, continued
Member's explanatory statement

This amendment seeks to prevent the Secretary of State from choosing not to enact parts of the Bill. Currently multiple provisions including the whole of Part 1 (environmental governance), Part 6 (nature and biodiversity) and Part 7 (Conservation Covenants) could never be enacted, even after the Bill has received Royal Assent.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Oppong-Asare

Lloyd Russell-Moyle

151

Clause **131**, page **118**, line **2**, leave out “on such day as the Welsh Ministers may by regulations appoint” and insert “at the end of a period of six months beginning with the day on which this Act is passed”

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Oppong-Asare

Lloyd Russell-Moyle

152

Clause **131**, page **118**, line **23**, leave out “on such day as the Scottish Ministers may by regulations appoint” and insert “at the end of a period of six months beginning with the day on which this Act is passed”

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Oppong-Asare

Lloyd Russell-Moyle

153

Clause **131**, page **118**, line **29**, leave out “on such day as the Department of Agriculture Environment and Rural affairs in Northern Ireland may appoint” and insert “at the end of a period of six months beginning with the day on which this Act is passed”

Rebecca Pow

63

Clause **132**, page **119**, line **38**, leave out “the National Assembly for Wales” and insert “Senedd Cymru”

Member's explanatory statement

See Amendment 28.

Environment Bill, continued

Rebecca Pow

64

Clause 132, page 119, line 39, leave out “Assembly” and insert “Senedd”
Member’s explanatory statement
See Amendment 28.

Rebecca Pow

NC4

To move the following Clause—

“Memorandum of understanding

- (1) The OEP and the Committee on Climate Change must prepare a memorandum of understanding.
- (2) The memorandum must set out how the OEP and the Committee intend to co-operate with one another and avoid overlap between the exercise by the OEP of its functions and the exercise by the Committee of its functions.”

Member’s explanatory statement

This new clause requires the OEP and the Committee on Climate Change to prepare a memorandum of understanding, setting out how they will co-operate with one another and avoid overlap in the exercise of their functions.

Rebecca Pow

NC24

To move the following Clause—

“Guidance on OEP’s enforcement policy and functions

- (1) The Secretary of State may issue guidance to the OEP on the matters listed in section 22(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 Secretary of State may revise the guidance at any time.
- (4) The Secretary of State must lay before Parliament, and publish, the guidance (and any revised guidance).
- (5) The OEP’s “enforcement functions” are its functions under sections 29 to 38.”

Member’s explanatory statement

This new clause provides that the Secretary of State may issue guidance to the OEP on the matters listed in clause 22(6) (OEP’s enforcement policy). The OEP must have regard to the guidance in preparing its enforcement policy and exercising its enforcement functions.

Environment Bill, *continued*

Rebecca Pow

NC25

To move the following Clause—

“Species conservation strategies

- (1) Natural England may prepare and publish a strategy for improving the conservation status of any species of fauna or flora.
- (2) A strategy under subsection (1) is called a “species conservation strategy”.
- (3) A species conservation strategy must relate to an area (the “strategy area”) consisting of—
 - (a) England, or
 - (b) any part of England.
- (4) A species conservation strategy for a species may in particular—
 - (a) identify areas or features in the strategy area which are of importance to the conservation of the species,
 - (b) identify priorities in relation to the creation or enhancement of habitat for the purpose of improving the conservation status of the species in the strategy area,
 - (c) set out how Natural England proposes to exercise its functions in relation to the species across the whole of the strategy area or in any part of it for the purpose of improving the conservation status of the species in the strategy area,
 - (d) include Natural England’s opinion on the giving by any other public authority of consents or approvals which might affect the conservation status of the species in the strategy area, and
 - (e) include Natural England’s opinion on measures that it would be appropriate to take to avoid, mitigate or compensate for any adverse impact on the conservation status of the species in the strategy area that may arise from a plan, project or other activity.
- (5) Natural England may, from time to time, amend a species conservation strategy.
- (6) A local planning authority in England and any prescribed authority must co-operate with Natural England in the preparation and implementation of a species conservation strategy so far as relevant to the authority’s functions.
- (7) The Secretary of State may give guidance to local planning authorities in England and to prescribed authorities as to how to discharge the duty in subsection (6).
- (8) A local planning authority in England and any prescribed authority must in the exercise of its functions have regard to a species conservation strategy so far as relevant to its functions.
- (9) In this section—

“England” includes the territorial sea adjacent to England, which for this purpose does not include—

 - (a) any part of the territorial sea adjacent to Wales for the general or residual purposes of the Government of Wales Act 2006 (see section 158 of that Act), or
 - (b) any part of the territorial sea adjacent to Scotland for the general or residual purposes of the Scotland Act 1998 (see section 126 of that Act);

“local planning authority” means a person who is a local planning authority for the purposes of any provision of Part 3 of the Town and Country Planning Act 1990;

Environment Bill, *continued*

“prescribed authority” means an authority exercising functions of a public nature in England which is specified for the purposes of this section by regulations made by the Secretary of State.

(10) Regulations under subsection (9) are subject to the negative procedure.”

Member’s explanatory statement

This new clause gives Natural England the function of producing species conservation strategies and makes related provision.

Rebecca Pow

NC26

To move the following Clause—

“Protected site strategies

- (1) Natural England may prepare and publish a strategy for—
 - (a) improving the conservation and management of a protected site, and
 - (b) managing the impact of plans, projects or other activities (wherever undertaken) on the conservation and management of the protected site.
- (2) A strategy under subsection (1) is called a “protected site strategy”.
- (3) A “protected site” means—
 - (a) a European site,
 - (b) a site of special scientific interest, or
 - (c) a marine conservation zone,
 to the extent the site or zone is within England.
- (4) A protected site strategy for a protected site may in particular—
 - (a) include an assessment of the impact that any plan, project or other activity may have on the conservation or management of the protected site (whether assessed individually or cumulatively with other activities),
 - (b) include Natural England’s opinion on measures that it would be appropriate to take to avoid, mitigate or compensate for any adverse impact on the conservation or management of the protected site that may arise from a plan, project or other activity,
 - (c) identify any plan, project or other activity that Natural England considers is necessary for the purposes of the conservation or management of the protected site, and
 - (d) cover any other matter which Natural England considers is relevant to the conservation or management of the protected site.
- (5) In preparing a protected site strategy for a protected site, Natural England must consult—
 - (a) any local planning authority in England which exercises functions in respect of an area—
 - (i) within which any part of the protected site is located, or
 - (ii) within which a plan, project or other activity that Natural England considers may have an adverse impact on the conservation or management of the protected site is being, or is proposed to be, undertaken,
 - (b) any public authority in England—
 - (i) that is undertaking, or proposing to undertake, a plan, project or other activity that Natural England considers may have an

Environment Bill, *continued*

- adverse impact on the conservation or management of the protected site,
- (ii) the consent or approval of which is required in respect of a plan, project or other activity that Natural England considers may have an adverse impact on the conservation or management of the protected site, or
 - (iii) that Natural England considers may otherwise be affected by the strategy,
- (c) any IFC authority in England which exercises functions in respect of an area—
 - (i) the conservation or management of which Natural England considers may be affected by the strategy, or
 - (ii) the sea fisheries resources of which Natural England considers may be affected by the strategy,
 - (d) the Marine Management Organisation, where—
 - (i) any part of the protected site is within the MMO's area, or
 - (ii) Natural England considers any part of the MMO's area may otherwise be affected by the strategy,
 - (e) the Environment Agency,
 - (f) the Secretary of State, and
 - (g) any other person that Natural England considers should be consulted in respect of the strategy, including the general public or any section of it.
- (6) In subsections (4) and (5), a reference to an adverse impact on the conservation or management of a protected site includes—
- (a) in relation to a European site, anything which adversely affects the integrity of the site,
 - (b) in relation to a site of special scientific interest, anything which is likely to adversely affect the flora, fauna or geological or physiographical features by reason of which the site is of special interest,
 - (c) in relation to a marine conservation zone, anything which hinders the conservation objectives stated for the zone pursuant to section 117(2) of the Marine and Coastal Access Act 2009, and
 - (d) any other thing which causes deterioration of natural habitats and the habitats of species as well as disturbance of the species in the protected site, in so far as such disturbance could be significant in relation to the conservation or management of the protected site.
- (7) A person whom Natural England consults under subsection (5)(a) to (e) must co-operate with Natural England in the preparation of a protected site strategy so far as relevant to the person's functions.
- (8) The Secretary of State may give guidance as to how to discharge the duty in subsection (7).
- (9) A person must have regard to a protected site strategy so far as relevant to any duty which the person has under—
- (a) the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012),
 - (b) sections 28G to 28I of the Wildlife and Countryside Act 1981, or
 - (c) sections 125 to 128 of the Marine and Coastal Access Act 2009.
- (10) Natural England may, from time to time, amend a protected site strategy.
- (11) The duty to consult a person under subsection (5) also applies when Natural England amends a protected site strategy under subsection (10) so far as the amendment is relevant to the person's functions.

Environment Bill, *continued*

- (12) In this section—
- “England” has the meaning given in section (*Species conservation strategies*);
 - “European site” has the meaning given in regulation 8 of the Conservation of Habitats and Species Regulations 2017;
 - “IFA authority” means an inshore fisheries and conservation authority created under section 150 of the Marine and Coastal Access Act 2009;
 - “local planning authority” has the meaning given in section (*Species conservation strategies*);
 - “marine conservation zone” means an area designated as a marine conservation zone under section 116(1) of the Marine and Coastal Access Act 2009;
 - “MMO’s area” has the meaning given in section 2(12) of the Marine and Coastal Access Act 2009;
 - “public authority” has the meaning given in section 40(4) of the Natural Environment and Rural Communities Act 2006;
 - “sea fisheries resources” has the meaning given in section 153(10) of the Marine and Coastal Access Act 2009;
 - “site of special scientific interest” means an area notified under section 28(1) of the Wildlife and Countryside Act 1981.”

Member’s explanatory statement

This new clause gives Natural England the function of producing protected site strategies and makes related provision.

Rebecca Pow

NC27

To move the following Clause—

“Wildlife conservation: licences

- (1) In section 10 of the Wildlife and Countryside Act 1981 (exceptions to section 9 of that Act), in subsection (1)—
- (a) in paragraph (a), omit the final “or”;
 - (b) at the end insert “or
 - (c) anything done in relation to an animal of any species pursuant to a licence granted by Natural England under regulation 55 of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) in respect of an animal or animals of that species”.
- (2) In section 16 of that Act (power to grant licences), in subsection (3)—
- (a) in paragraph (h), omit the final “or”;
 - (b) at the end insert “or
 - (j) in England, for reasons of overriding public interest”.
- (3) In that section, after subsection (3A) insert—
- “(3B) In England, the appropriate authority shall not grant a licence under subsection (3) unless it is satisfied—
- (a) that there is no other satisfactory solution, and

Environment Bill, *continued*

- (b) that the grant of the licence is not detrimental to the survival of any population of the species of animal or plant to which the licence relates.”
- (4) In that section, in subsections (5A)(c) and (6)(b), after “two years,” insert “or in the case of a licence granted by Natural England five years,”.
- (5) In that section, in subsection (9)(c), after “to (e)” insert “or (j)”.
- (6) In the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), in regulation 55(10), for “two years” substitute—
 - “(a) five years, in the case of a licence granted by Natural England, or
 - (b) two years, in any other case.””

Member’s explanatory statement

This new clause makes provision relating to licences granted under regulation 55 of the Conservation of Habitat and Species Regulations 2017 and section 16 of the Wildlife and Countryside Act 1981.

Rebecca Pow

NC31

To move the following Clause—

“Use of forest risk commodities in commercial activity

- (1) In Schedule (*Use of forest risk commodities in commercial activity*)—
 - (a) Part 1 makes provision about the use of forest risk commodities in commercial activity,
 - (b) Part 2 makes provision about enforcement, and
 - (c) Part 3 contains general provisions.
- (2) Regulations under the following provisions of Schedule (*Use of forest risk commodities in commercial activity*) are subject to the affirmative procedure—
 - (a) paragraph 1;
 - (b) paragraph 2(4)(c);
 - (c) paragraph 5 (except for paragraph 5(2)(b) and (5));
 - (d) paragraph 7;
 - (e) Part 2.
- (3) Regulations under the following provisions of Schedule (*Use of forest risk commodities in commercial activity*) are subject to the negative procedure—
 - (a) paragraph 3;
 - (b) paragraph 4;
 - (c) paragraph 5(2)(b) and (5).”

Member’s explanatory statement

This new clause inserts NS1 and specifies the Parliamentary procedure for making regulations under that Schedule.

Environment Bill, continued

Dr Alan Whitehead
Luke Pollard
Ruth Jones
Daniel Zeichner
Thangam Debbonaire
Abena Oppong-Asare

Jessica Morden

Alex Sobel

Lloyd Russell-Moyle
NC1

To move the following Clause—

“The environmental objective

- (1) The environmental objective is to achieve and maintain a healthy natural environment.
- (2) Any rights, powers, liabilities, obligations, restrictions, remedies and procedures arising from this Act must be enforced, allowed and followed for the purpose of contributing to achievement of the environmental objective.”

Member’s explanatory statement

This new clause is intended to aid coherence in the Bill by tying together separate parts under a unifying aim. It strengthens links between the target setting framework and the delivery mechanisms to focus delivery on targets.

Dr Alan Whitehead
Luke Pollard
Ruth Jones
Daniel Zeichner
Thangam Debbonaire
Abena Oppong-Asare

Jessica Morden

Alex Sobel

Lloyd Russell-Moyle
NC2

To move the following Clause—

“Environmental standards: non-regression

- (1) The Secretary of State has a duty to ensure that there is no diminution in any protection afforded by any environmental standard which was effective in UK domestic law on IP completion day.
- (2) In this section, “IP completion day” has the same meaning as in section 39 of the European Union (Withdrawal Agreement) Act 2020.”

Member’s explanatory statement

This new clause looks to set a floor of environmental standards by taking a snapshot of EU standards at the end of the implementation period and giving the Minister a duty to uphold those standards as a minimum.

Environment Bill, *continued*

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Thangam Debbonaire
 Abena Oppong-Asare

Jessica Morden

Alex Sobel

Lloyd Russell-Moyle
 NC3

To move the following Clause—

“Well consents for hydraulic fracturing: cessation of issue and termination

- (1) No well consent which permits associated hydraulic fracturing may be issued by the Oil and Gas Authority (“OGA”).
- (2) Sections 4A and 4B of the Petroleum Act 1998(as inserted by section 50 of the Infrastructure Act 2015), are repealed.
- (3) Any well consent which has been issued by the OGA which—
 - (a) permits associated hydraulic fracturing and
 - (b) is effective on the day on which this Act receives Royal Assent shall cease to be valid three months after this Act receives Royal Assent.
- (4) In this section—
 - “associated hydraulic fracturing” means hydraulic fracturing of shale or strata encased in shale which—
 - (a) is carried out in connection with the use of the relevant well to search or bore for or get petroleum, and
 - (b) involves, or is expected to involve, the injection of—
 - (i) more than 1,000 cubic metres of fluid at each stage, or expected stage, of the hydraulic fracturing, or
 - (ii) more than 10,000 cubic metres of fluid in total, or
 - (iii) acid intended to dissolve rock; and

“well consent” means a consent in writing of the OGA to the commencement of drilling of a well.”

Member’s explanatory statement

This new clause, as a response to recent hydraulic fracturing exploration activity including in Rother Valley, would prevent the Oil and Gas Authority from being able to provide licences for hydraulic fracturing, exploration or acidification, and would revoke current licences after a brief period to wind down activity.

Environment Bill, *continued*

Kerry McCarthy
Alex Sobel
Dr Alan Whitehead
Ruth Jones
Daniel Zeichner
Gill Furniss

Fleur Anderson

NC5

To move the following Clause—

“Environmental and human rights due diligence: duty to publish draft legislation

- (1) The Secretary of State must, within the period of six months beginning with the day on which this Act is passed, publish a draft Bill on mandatory environmental and human rights due diligence which imposes a duty on specified commercial, financial and public sector persons to—
 - (a) carry out due diligence in relation to all environmental and human rights risks and impacts associated with the exercise of their functions, and
 - (b) identify, assess, prevent, or mitigate (where prevention is not possible) the risks so that the impacts are negligible.
- (2) The objective of the due diligence provided for pursuant to subsection (1) is to ensure that the target set pursuant to sub-paragraph (e) of section 1(3) is met.
- (3) The due diligence must be undertaken by specified persons in relation to—
 - (a) risks and impacts wherever they arise, and
 - (b) the entire supply chain and investment chain of the person specified.
- (4) In order to address, in particular, ecosystem conversion and degradation and deforestation and forest degradation (“deforestation and conversion”) the draft Bill must seek to ensure that all goods placed on the UK market are—
 - (a) sustainable;
 - (b) traceable back to source through fully transparent supply chains; and
 - (c) do not cause adverse environmental and human rights impacts including deforestation and conversion.
- (5) The due diligence required to be carried out in accordance with subsection (1) by providers of financial services must include (but not be limited to) the risk of deforestation and conversion which may arise from or be enabled by the provision of the financial services.
- (6) The provisions of the draft Bill relating to due diligence must require compliance with international standards and obligations relating to human rights, including the rights of indigenous peoples and local communities.
- (7) The draft Bill must—
 - (a) establish or designate a body to oversee implementation of and compliance with the provisions of the Bill;
 - (b) provide proportionate, effective and deterrent sanctions for entities failing to comply fully and promptly with their duties under the Bill;
 - (c) provide for an independent, transparent and public complaints mechanism;
 - (d) establish a system which ensures effective and appropriate redress for any person affected by environmental impacts and human rights violations;
 - (e) require persons to report publicly on—
 - (i) their plans for due diligence,

Environment Bill, *continued*

- (ii) the implementation of their plans, and
- (iii) the action taken to comply with their plans including the effectiveness of the action;
- (f) require the regulatory body or other appropriate institution to undertake periodic and public audits of the effectiveness of the due diligence requirements, focusing on specified persons, sectors or supply chains; and
- (g) require the Secretary of State to include in the annual report on environmental improvement plans an assessment of the application of the duties imposed in accordance with subsection (1), and to review the effectiveness of those duties after 3 years (including by commissioning an independent assessment)."

Member's explanatory statement

This new clause would require the Secretary of State to publish a draft Bill on mandatory environmental and human rights due diligence within six months of the Act passing.

Neil Parish
Alex Sobel

NC6

To move the following Clause—

“The environmental purpose

- (1) The purpose of this Part is to provide a framework to enable the following environmental objectives to be achieved and maintained—
 - (a) a healthy, resilient, and biodiverse natural environment;
 - (b) an environment that supports human health and wellbeing for everyone; and
 - (c) sustainable use of resources.”

Member's explanatory statement

The new clause is intended to give clear and coherent direction for applying targets and the other governance mechanisms contained in the first Part of the Environment Bill.

Environment Bill, *continued*

Wera Hobhouse
Ed Davey
Dr Matthew Offord
Caroline Lucas
Alex Sobel
Lilian Greenwood

Rosie Duffield
Stephen Doughty
Mr Alistair Carmichael
Daisy Cooper
Jamie Stone

Anna McMorrin
Geraint Davies
Christine Jardine
Munira Wilson
Sarah Olney

Gareth Thomas
Ruth Cadbury
Layla Moran
Wendy Chamberlain
Tim Farron

NC7

To move the following Clause—

“Waste Recycling: Duty to maintain an end use register

- (1) The Secretary of State must, within 12 months of this Act coming into force, by regulations make provision for a register of the end use of all recycled waste created, collected or disposed of in England.
- (2) These regulations must apply to—
 - (a) public authorities; and
 - (b) private businesses.
- (3) The register must be made available for public inspection.
- (4) Regulations under this section are subject to the affirmative procedure.”

Tracey Crouch

NC8

To move the following Clause—

“Weeds Act 1959: repeal

The Weeds Act 1959 is hereby repealed.”

Member’s explanatory statement

This new clause would repeal the Weeds Act 1959, which contains powers to prevent the spread of creeping thistle, spear thistle, curled dock, ragwort and other weeds which are important for pollinators such as bees, butterflies and other insects.

Environment Bill, continued

Kerry McCarthy
 Alex Sobel
 Dr Alan Whitehead
 Ruth Jones
 Daniel Zeichner
 Gill Furniss

Fleur Anderson

NC9

To move the following Clause—

“Animal Testing: REACH Regulation

- (1) The Secretary of State must by regulations set targets for the replacement of types of tests on animals conducted to protect human health and the environment within the scope of the REACH Regulation, and for the reduction pending replacement of the numbers of animals used and the suffering they endure.
- (2) A target under this section to reduce the suffering of animals must specify—
 - (a) a standard to be achieved, which must be capable of being objectively measured, and
 - (b) a date by which it is to be achieved.
- (3) Regulations under this section must make provision about how a set target is to be measured.
- (4) A target under this section is initially set when the regulations setting it come into force.”

Member’s explanatory statement

This new clause would require the Secretary of State to set targets to reduce animal testing.

Geraint Davies
 Alex Sobel

NC10

To move the following Clause—

“OEP: Penalty notices

- (1) If the OEP is satisfied that a public authority has failed to comply with a decision notice, the OEP may, by written notice (a “penalty notice”) require the public authority to pay to the OEP an amount in sterling specified in the notice.
- (2) When deciding whether to give a penalty notice to a public authority and determining the amount of the penalty, the OEP must have regard to the matters listed in subsection (3).
- (3) Those matters are—
 - (a) the nature, gravity and duration of the failure;
 - (b) the intentional or negligent character of the failure;
 - (c) any relevant previous failures by the public authority;
 - (d) the degree of co-operation with the Commissioner, in order to remedy the failure and mitigate the possible adverse effects of the failure;
 - (e) the manner in which the infringement became known to the OEP, including whether, and if so to what extent, the public authority notified the OEP of the failure;

Environment Bill, *continued*

- (f) the extent to which the public authority has complied with previous enforcement notices or penalty notices;
 - (g) whether the penalty would be effective, proportionate and dissuasive.
- (4) Once collected, penalties must be distributed to the NHS and local authorities to be used for pollution reduction measures.
- (5) The Secretary of State must, by regulations, set the minimum and maximum amount of penalty.
- (6) Regulations under this section are subject to the affirmative procedure.”

Member’s explanatory statement

This new clause would allow the OEP to impose fines.

Dr Matthew Offord
 Alex Sobel
 Dr Alan Whitehead
 Ruth Jones
 Daniel Zeichner
 Gill Furniss

Fleur Anderson

NC11

To move the following Clause—

“Ongoing relationship with EU-REACH

- (1) The Secretary of State must not use regulations under Schedule 19 to diminish protections provided by REACH legislation.
- (2) The Secretary of State must by regulations seek to maintain regulatory parity with any new or amended regulations of the European Parliament and of the Council concerning the regulation of chemicals after IP completion day.
- (3) It is an objective of Her Majesty’s Government as part of any trade negotiations with the European Union to seek to secure associate membership of the European Chemicals Agency for the United Kingdom after IP completion day to enable it to continue to participate in the EU-REACH framework.
- (4) Regulations under subsection (2) are subject to the affirmative procedure.
- (5) In this section, “IP completion day” has the same meaning as in section 39 of the European Union (Withdrawal Agreement) Act 2020.”

Member’s explanatory statement

This new clause would require continued parity with REACH.

Environment Bill, *continued*

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

Lloyd Russell-Moyle

NC12

To move the following Clause—

“Duty to follow recommendations

- (1) A “public authority” must follow the course of action set out in a recommendation made by the OEP in a report issued under sections 25 or 26 unless the public authority has determined that there are reasons of public interest demonstrating that it is not necessary for it to do so in order to comply with the law.
- (2) If the authority does not follow a recommendation, it must publish a report setting out the reasons for not doing so and set out what alternative course of action it proposes to take.
- (3) In this section public authority carries the same definition as in section 28(3).”

Member’s explanatory statement

This new clause requires a public authority to whom the OEP has issued a recommendation to normally follow that recommendation.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Thangam Debbonaire

Abena Opong-Asare

Lloyd Russell-Moyle

NC13

To move the following Clause—

“OEP register

- (1) The OEP must maintain a register of communications between it and Ministers (or government departments).
- (2) The OEP may omit from the register communications which it considers trivial or otherwise unlikely to be of interest to the public.
- (3) The OEP must publish the register.”

Member’s explanatory statement

This new clause requires the OEP to keep a public register of correspondence with the Government.

Environment Bill, continued

Dr Alan Whitehead
Luke Pollard
Ruth Jones
Daniel Zeichner
Jessica Morden
Thangam Debbonaire

Abena Oppong-Asare

Lloyd Russell-Moyle

NC14

To move the following Clause—

“Primary duty to secure resilience

- (1) Section 2 of the Water Industry Act 1991 (general duties with respect to water industry) is amended as follows.
- (2) In subsection (2A), at the end insert—
 - “(c) to contribute to achievement of any relevant environmental targets set under the Environment Act 2020.”.

Member’s explanatory statement

This new clause places duties upon the Secretary of State and the Director General of Water Services in the Water Industry Act to contribute to targets in the Environment Bill.

Holly Lynch
Alex Sobel
Kerry McCarthy
Craig Whittaker
John McNally
Philip Davies

Jason McCartney

NC15

To move the following Clause—

“Reservoirs: flood risk

- (1) The Secretary of State must make regulations to grant the Environment Agency additional powers to require water companies and other connected agencies to manage reservoirs to mitigate flood risk.
 - (2) Regulations under this section are subject to the affirmative procedure.”
-

Environment Bill, *continued*

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Abena Oppong-Asare

Thangam Debbonaire

Lloyd Russell-Moyle

NC16

To move the following Clause—

“Waste hierarchy

- (1) In interpreting responsibilities under Part 3 of this Act and in all matters relating to waste and resource efficiency the Secretary of State must take account of the requirements of the waste hierarchy.
- (2) In this section, “waste hierarchy” has the same meaning as in the Waste (England and Wales) Regulations 2011 (S.I. 2011/988).”

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Abena Oppong-Asare

Thangam Debbonaire

Lloyd Russell-Moyle

NC17

To move the following Clause—

“Tree felling and planting

- (1) The Secretary of State must by regulations establish and execute in conjunction with the devolved administrations a target for the percentage of land in the UK under forest or woodland cover by 2050.
 - (2) The target shall be at least 19% of UK land under forest or woodland cover by 2050.
 - (3) The Secretary of State must by regulations establish and execute a target for the percentage of land in England under forest and woodland cover by 2050.
 - (4) The target shall be at least 14.5% of land in England under woodland or forest cover.
 - (5) The Secretary of State must by regulations establish interim targets for the increase in hectares of land in England under forest or woodland cover for each five year period up to 2050.
 - (6) The interim targets shall be not less than an additional 80,000 hectares of land under forest or woodland cover for each five year interim target period up to 2030, and not less than an additional 10,0000 hectares of land for each five year interim target period thereafter.”
-

Environment Bill, *continued*

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Jessica Morden
 Abena Oppong-Asare

Thangam Debbonaire

Lloyd Russell-Moyle

NC18

To move the following Clause—

“Public authorities: environmental duty

When exercising any function of a public nature that could affect the achievement of—

- (a) any targets set under sections 1 or 2;
- (b) interim targets set under section 10; or
- (c) any other targets that meet the conditions in section 6(8)

public authorities must act compatibly with and, where appropriate, contribute to the achievement of those targets and the implementation of the environmental improvement plan.”

Dan Jarvis
 Lloyd Russell-Moyle
 Derek Twigg

NC19

To move the following Clause—

“Duty to prepare a Tree Strategy for England

- (1) The Government must prepare a Tree Strategy for England as set out in subsection (2) and (3).
- (2) The strategy must set out the Government’s vision, objectives, priorities and policies for trees in England including individual trees, woodland and forestry, and may set out other matters with respect to the promotion of sustainable management of trees in these contexts.
- (3) The Tree Strategy for England must include the Government’s targets and interim targets with respect to—
 - (a) the percentage of England under tree cover;
 - (b) hectares of new native woodland creation achieved by tree planting;
 - (c) hectares of new native woodland creation achieved by natural regeneration;
 - (d) the percentage of native woodland in favourable ecological condition; and
 - (e) hectares of Plantation on Ancient Woodland (PAWS) undergoing restoration.
- (4) The Government must keep the Tree Strategy for England under review, and may, if they consider it appropriate to do so, revise the strategy.

Environment Bill, continued

- (5) If the Government has not revised the Tree Strategy for England within the period of 10 years beginning with the day on which the strategy was last published, they must revise the strategy.”

Member’s explanatory statement

The aim of this new clause is to ensure that the Government prepares a tree strategy for England. It will ensure that the Government has to produce targets for the protection, restoration and expansion of trees and woodland in England.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Gill Furniss

NC20

To move the following Clause—

“State of nature target

- (1) The Secretary of State must publish documents setting out how the Government will exercise the power conferred in section 1 to set a target to reverse the decline in the state of nature in England.
- (2) The Secretary of State must publish the first such document—
 - (a) no later than 30 days before the opening plenary meeting of the next Conference of the Parties to the Convention on Biological Diversity; and
 - (b) within three months of this Bill receiving Royal Assent.
- (3) The Secretary of State must exercise the power conferred in section 1 to set the target described in subsection (1)—
 - (a) as soon as reasonably practicable following the end of the next Conference of the Parties to the Convention on Biological Diversity; and
 - (b) no later than October 2022.
- (4) The Secretary of State must publish an updated document as set out in subsection (1) before each Conference of the Parties to the Convention on Biological Diversity.
- (5) In carrying out the duties in subsections (1) and (4) the Secretary of State shall consider the appropriate domestic effort to contribute to improving the state of nature globally.
- (6) In this section, “the state of nature” includes—
 - (a) the abundance and diversity of species;
 - (b) the risk of extinction; and
 - (c) the extent and condition of habitats.”

Member’s explanatory statement

This new clause obliges the Secretary of State to set out his intentions for setting a target to reverse the decline of nature in time to influence ongoing international negotiations and then to set that target as soon as possible following the conclusion of those negotiations.

Environment Bill, continued

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Gill Furniss

NC21

To move the following Clause—

“Co-operation with devolved environmental governance bodies

- (1) The OEP must, for the purposes in subsection (2), co-operate with any devolved environmental governance body in Scotland or Wales.
- (2) Those purposes are the consideration of matters that—
 - (a) are common to all, or more than one, part of the UK;
 - (b) are cross-border issues; or
 - (c) affect both reserved and devolved matters.
- (3) Co-operation under subsection (1) may include—
 - (a) the exchange of information;
 - (b) the carrying out or commissioning of research, jointly;
 - (c) arrangements regarding consultation under section 24(4); and
 - (d) arrangements for one body to provide support for the work of another.
- (4) In particular, co-operation may also provide for—
 - (a) joint research;
 - (b) joint investigations; and
 - (c) joint enforcement measures.”

Member’s explanatory statement

This new clause would specify and permit co-ordination and co-operation in the operations of the OEP, and equivalent bodies (if/when established) in Scotland/Wales.

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Gill Furniss

NC22

To move the following Clause—

“Application of environmental principles

- (1) A public authority must apply the environmental principles in section 16 in the exercise of its functions.
- (2) In this section “public authority” has the same meaning as in section 28(3).”

Member’s explanatory statement

This new clause requires public authorities to apply the environmental principles.

Environment Bill, continued

Dr Alan Whitehead
 Luke Pollard
 Ruth Jones
 Daniel Zeichner
 Gill Furniss

NC23

To move the following Clause—

“Reduction of lead poisoning from shot

- (1) The Wildlife and Countryside Act 1981 is amended in accordance with subsections (2) and (3).
- (2) After section 5(c)(viii) insert—
 - “(ix) any form of lead ammunition used in a shotgun”.
- (3) After section 11 (1)(d) insert—
 - “(e) uses lead ammunition in a shotgun for the purposes of killing or taking any wild animal”.
- (4) The provisions in this section come into force on 1 January 2023.”

Member’s explanatory statement

This new clause intends to provide an effective regulation to protect wildlife, the environment and human health by replacing widely-used toxic lead gunshot with alternatives. It intends to ensure a supply of healthy game for the market, whilst meeting societal requirements and those of shooting, food retail and conservation stakeholders.

Lloyd Russell-Moyle
 Dr Alan Whitehead
 Ruth Jones
 Daniel Zeichner
 Gill Furniss
 Fleur Anderson

NC28

To move the following Clause—

“Environmental objective and commitments

- (1) In interpreting and applying this Act, any party with duties, responsibilities, obligations or discretions under or relating to it must comply with—
 - (a) the environmental objective in subsection (2); and
 - (b) the commitments in subsection (3).
- (2) The environmental objective is to achieve and maintain—
 - (a) a healthy, resilient and biodiverse natural environment;
 - (b) an environment that supports human health and well-being for everyone; and
 - (c) sustainable use of resources.
- (3) The commitments are—
 - (a) all commitments given by Her Majesty’s Government in the United Nations Leaders’ Pledge for Nature of 28 September 2020, including, but not limited to, the urgent actions committed to be taken by it over the period of ten years from the date of that pledge;

Environment Bill, *continued*

- (b) any enhanced commitments given by Her Majesty's Government pursuant to that pledge, any other pledge, and any international agreement; and
 - (c) all relevant domestic legislation, including, but not limited to, the Climate Change Act 2008, as amended from time to time.
- (4) Without prejudice to the generality of the requirement in subsection (1), that requirement applies to—
- (a) the Secretary of State in setting, amending and ensuring compliance with the environmental targets; preparing, amending and implementing environmental improvement plans; and performing all their obligations and exercising all their discretions under this Act;
 - (b) the Office for Environmental Protection and the Upper Tribunal in performing their respective obligations and exercising any applicable discretions; and
 - (c) all other persons and bodies with obligations and discretions under, or in connection with, the subject matter of this Act.”

Lloyd Russell-Moyle
Dr Alan Whitehead
Ruth Jones
Daniel Zeichner
Gill Furniss
Fleur Anderson

NC29

To move the following Clause—

“Report on climate and ecology

- (1) The Secretary of State must, no later than six months after the day of which this Act is passed, lay before Parliament a report containing an assessment of the adequacy of environmental legislation and policy for meeting the climate and ecology challenges faced by the United Kingdom and the world.
 - (2) That report must include specific assessments relating to—
 - (a) water quality, availability and abundance;
 - (b) biodiversity, including, but not limited to, the restoration and regeneration of biodiverse habitats, natural and human modified ecosystems, and their respective soils;
 - (c) the expansion and enhancement of natural ecosystems and agroecosystems to safeguard their carbon-sink capacity and resilience to global heating; and
 - (d) resource efficiency, waste reduction and the promotion of the circular economy.”
-

Environment Bill, continued

Dr Alan Whitehead
 Ruth Jones
 Daniel Zeichner
 Gill Furniss
 Fleur Anderson

NC30

To move the following Clause—

“Smoking related waste

- (1) The Secretary of State will by regulations introduce a producer responsibility scheme in England to tackle smoking related waste.
- (2) The scheme will compel those tobacco companies operating in England, as defined in the regulations and subject to annual review, to provide financial support to the scheme based on a market share basis.
- (3) The scheme will ensure that those tobacco companies will have no operational or other involvement in the scheme other than to provide financial support in accordance with guidance from the World Health Organisation Framework Convention on Tobacco Control and the Department of Health and Social Care.
- (4) The regulations will set a target for a reduction in smoking related waste by 2030.
- (5) The regulations will set out an appropriate vehicle to deliver the scheme including governance and criteria for funding related initiatives.
- (6) The Secretary of State must prepare and publish an annual report of the scheme and must lay a copy of the report before Parliament.”

Member’s explanatory statement

The aim of this new clause is to ensure that the Government creates a producer responsibility scheme for smoking related waste. No such scheme exists at present and the clear up and waste reduction of cigarette butts are not covered by other Directives.

Dr Alan Whitehead
 Ruth Jones
 Daniel Zeichner
 Gill Furniss
 Fleur Anderson

NC32

To move the following Clause—

“Biodiversity Gain

- (1) Section 114 of the Planning Act 2008 is amended in accordance with subsection (2).
- (2) At the end of subsection (2) insert—
 - “(3) Before approving an application for an order granting development consent relating to nationally significant infrastructure on land, the Secretary of State must be satisfied that a biodiversity gain plan is in place in relation to that development.
 - (4) The Secretary of State must be satisfied that the biodiversity gain plan will ensure that the biodiversity gain objective is met.

Environment Bill, continued

- (5) “Biodiversity gain plan” and “biodiversity gain objective” have the same meaning as in Schedule 7A of the Town and Country Planning Act 1990 if that Schedule applied to Development Consent Orders.””

Member’s explanatory statement

This new clause would extend the biodiversity gain provisions to major infrastructure projects as defined in the Planning Act 2008.

Dr Alan Whitehead
Ruth Jones
Daniel Zeichner
Gill Furniss
Fleur Anderson

NC33

To move the following Clause—

“Review of Act

- (1) The Secretary of State must prepare and publish a report on the impact of this Act, including—
- (a) its impact on biodiversity;
 - (b) its impact on local authority finances;
 - (c) whether funding is adequate; and
 - (d) whether additional monies should be provided.
- (2) The report as set out in subsection (1) must be published no later than two years after the commencement of this Act.”

Member’s explanatory statement

This new clause ensures that an assessment is made of how the new duties are operating into the future and ensuring local authorities are sufficiently funded.

Dr Alan Whitehead
Ruth Jones
Daniel Zeichner
Gill Furniss
Fleur Anderson

NC34

To move the following Clause—

“Reducing Water Demand

- (1) The Secretary of State shall within 12 months of the commencement of this Act amend the Building Regulations 2010 Part G to—
- (a) require all fittings to meet specified water efficiency requirements; and
 - (b) introduce mandatory minimum standards on water efficiency.

Environment Bill, *continued*

- (2) Standards as introduced under subsection (1)(b) shall be reviewed every 5 years to assess their contribution to meeting government objectives for reducing water demand.”
-

Geraint Davies
 John McNally
 Layla Moran
 Liz Saville Roberts
 Colum Eastwood
 Barry Gardiner

Claire Hanna
 Carla Lockhart
 Sarah Olney
 Christine Jardine
 Mr Alistair Carmichael

Ian Byrne
 Ed Davey
 Wendy Chamberlain
 Jamie Stone
 Munira Wilson

Rosie Duffield
 Daisy Cooper
 Tim Farron
 Wera Hobhouse
 Caroline Lucas

NC35

To move the following Clause—

“Clean Air Duty

- (1) The Secretary of State must prepare and publish an annual policy statement setting out how the Government is working to improve air quality, and must lay a copy of the report before Parliament.
- (2) The annual policy statement in subsection (1) must include—
- (a) how public authorities are improving air quality, including indoor air quality; and
 - (b) how Government departments are working together to improve air quality, including indoor air quality.
- (3) A Minister of the Crown must, not later than three months after the report has been laid before Parliament, make a motion in the House of Commons in relation to the report.”

Member’s explanatory statement

This new clause requires the Secretary of State to publish an annual report on air quality which includes indoor air quality and the work of public authorities and Government departments working together to improve it.

Environment Bill, *continued*

Rebecca Pow

NS1

To move the following Schedule—

“USE OF FOREST RISK COMMODITIES IN COMMERCIAL ACTIVITY

PART 1

REQUIREMENTS

Meaning of “forest risk commodity”

- 1 (1) In this Schedule “forest risk commodity” means a commodity specified in regulations made by the Secretary of State.
- (2) The regulations may specify only a commodity that has been produced from a plant, animal or other living organism.
- (3) The regulations may specify a commodity only if the Secretary of State considers that forest is being or may be converted to agricultural use for the purposes of producing the commodity.
- (4) “Forest” means an area of land of more than 0.5 hectares with a tree canopy cover of at least 10% (excluding trees planted for the purpose of producing timber or other commodities).
- (5) In sub-paragraph (4) the reference to land includes land that is wholly or partly submerged in water (whether temporarily or permanently).
- (6) The regulations may not specify timber or timber products, within the meaning of Regulation (EU) No. 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market.
- (7) Before making regulations under this paragraph the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (8) The requirement to consult in sub-paragraph (7) may be met by consultation carried out before this paragraph comes into force.

Prohibition on using illegally produced commodities

- 2 (1) A regulated person in relation to a forest risk commodity must not use that commodity in their UK commercial activities unless relevant local laws were complied with in relation to that commodity.
- (2) A regulated person in relation to a forest risk commodity must not use a product derived from that commodity in their UK commercial activities unless relevant local laws were complied with in relation to that commodity.
- (3) In this Schedule “local law”, in relation to a forest risk commodity, means any law having effect in the country or territory where the source organism was grown, raised or cultivated.
- (4) In this Schedule “relevant local law”, in relation to a forest risk commodity, means local law—
 - (a) which relates to the ownership of the land on which the source organism was grown, raised or cultivated,
 - (b) which relates to the use of that land, or
 - (c) which otherwise relates to that land and is specified in regulations made by the Secretary of State.
- (5) The regulations may specify a local law only if it relates to the prevention of forest being converted to agricultural use.

Environment Bill, *continued*

- (6) The “source organism” means the plant, animal or other living organism from which the forest risk commodity was produced.
- (7) Sub-paragraph (1) does not apply to the use of a forest risk commodity where—
 - (a) the commodity is waste (within the meaning of article 2(1) of the Renewable Transport Fuel Obligations Order 2007 (S.I. 2007/3072)), and
 - (b) the use of the commodity is for the purpose of making renewable transport fuel—
 - (i) that qualifies for the issue of an RTF certificate under article 17 of that Order, and
 - (ii) in respect of which an additional RTF certificate may be issued under article 17A(4) of that Order.
- (8) Sub-paragraph (2) does not apply to the use of a product derived from a forest risk commodity where—
 - (a) the commodity is waste (within the meaning of article 2(1) of the Renewable Transport Fuel Obligations Order 2007 (S.I. 2007/3072)), and
 - (b) the product is renewable transport fuel—
 - (i) that qualifies for the issue of an RTF certificate under article 17 of that Order, and
 - (ii) in respect of which an additional RTF certificate may be or has been issued under article 17A(4) of that Order.

Due diligence system

- 3 (1) A regulated person in relation to a forest risk commodity who uses that commodity or a product derived from that commodity in their UK commercial activities must establish and implement a due diligence system in relation to that commodity.
- (2) In this Schedule a “due diligence system”, in relation to a forest risk commodity, means a system for—
 - (a) identifying, and obtaining information about, that commodity,
 - (b) assessing the risk that relevant local laws were not complied with in relation to that commodity, and
 - (c) mitigating that risk.
- (3) The Secretary of State may by regulations make further provision about the matters in sub-paragraph (2)(a) to (c), including in particular—
 - (a) the information that should be obtained;
 - (b) the criteria to be used in assessing risk;
 - (c) the ways in which risk may be mitigated.

Annual report on due diligence system

- 4 (1) A regulated person in relation to a forest risk commodity who uses that commodity or a product derived from that commodity in their UK commercial activities must, for each reporting period, provide the relevant authority with a report on the actions taken by the person to establish and implement a due diligence system in relation to that commodity as required by paragraph 3.
- (2) The report must be provided no later than 6 months after the end of the reporting period to which it relates.
- (3) The Secretary of State may by regulations make provision—
 - (a) about the content and form of reports under this paragraph;

Environment Bill, *continued*

- (b) about the manner in which reports under this paragraph are to be provided.
- (4) The relevant authority must make reports under this paragraph available to the public in the way, and to the extent, specified in regulations made by the Secretary of State.
- (5) In this paragraph “relevant authority” means—
 - (a) the Secretary of State, or
 - (b) if regulations made by the Secretary of State specify another person as the relevant authority for the purposes of this paragraph, that other person.
- (6) In this Schedule “reporting period” means—
 - (a) the period beginning with the day on which this paragraph comes fully into force and ending with the following 31 March, and
 - (b) each successive period of 12 months.

Exemption

- 5 (1) A regulated person in relation to a forest risk commodity is exempt from the Part 1 requirements in respect of their use of that commodity, or a product derived from that commodity, in their UK commercial activities during a reporting period if they satisfy the following two conditions.
- (2) Condition 1 is that before the start of the period, the person gives a notice to the relevant enforcement authority containing—
 - (a) a declaration that the person is satisfied on reasonable grounds that the amount of the commodity used in their UK commercial activities during the period will not exceed the prescribed threshold, and
 - (b) the prescribed information.
- (3) Condition 2 is that the amount of the commodity used in the person’s UK commercial activities during the period does not exceed the prescribed threshold.
- (4) Sub-paragraphs (5) and (6) apply where—
 - (a) a regulated person gives a notice under sub-paragraph (2), but
 - (b) the amount of the commodity used in the person’s UK commercial activities during the period exceeds the prescribed threshold.
- (5) If, before the relevant date, the regulated person gives a notice to the relevant enforcement authority containing the prescribed information, the person is exempt from the Part 1 requirements in respect of their use of the commodity, or the product derived from the commodity, in their UK commercial activities during the part of the reporting period—
 - (a) beginning with the start of the period, and
 - (b) ending with the date the notice is given.
- (6) If the regulated person does not give a notice under sub-paragraph (5), the person is not exempt from the Part 1 requirements in respect of their use of the commodity, or the product derived from the commodity, in their UK commercial activities during any part of the reporting period.
- (7) In this paragraph—
 - “prescribed” means prescribed in regulations made by the Secretary of State;
 - “relevant date” means the date during the reporting period that the amount of the commodity used in the person’s UK commercial activities exceeds the prescribed threshold;

Environment Bill, *continued*

“relevant enforcement authority” means the enforcement authority on which the function of receiving notices under this paragraph has been conferred by Part 2 regulations.

- (8) Regulations under this paragraph may in particular—
- (a) prescribe thresholds by reference to weight or volume;
 - (b) make provision about how the amount of a forest risk commodity used in a regulated person’s UK commercial activities (including in relation to a forest risk commodity from which a product is derived) is to be determined,
- and regulations under paragraph (b) may include provision for determining the amount by reference to matters determined or published by the Secretary of State or other persons.
- (9) Before making regulations under this paragraph (except under sub-paragraph (2)(b) or (5)) the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (10) The requirement to consult in sub-paragraph (9) may be met by consultation carried out before this paragraph comes into force.

Guidance

- 6 (1) The Secretary of State may issue guidance to an enforcement authority about the Part 1 requirements.
- (2) An enforcement authority must have regard to guidance issued under sub-paragraph (1) when exercising its functions under Part 2 of this Schedule.

Meaning of “regulated person”

- 7 (1) In this Schedule “regulated person”, in relation to a forest risk commodity, means a person (other than an individual) who carries on commercial activities in the United Kingdom, and—
 - (a) meets such conditions in relation to turnover as may be specified in regulations made by the Secretary of State for the purposes of defining who is a regulated person in relation to that forest risk commodity, or
 - (b) is an undertaking which is a subsidiary of another undertaking which meets those conditions.
- (2) Regulations under sub-paragraph (1) may make provision about how turnover is to be determined.
- (3) Before making regulations under sub-paragraph (1) the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (4) The requirement to consult in sub-paragraph (3) may be met by consultation carried out before this paragraph comes into force.
- (5) The Secretary of State may by regulations make provision for the Part 1 requirements not to apply, or to apply with modifications, in relation to a person who becomes a regulated person for such transitional period, after they become a regulated person, as may be specified in the regulations.
- (6) The Secretary of State may by regulations make provision for a group of undertakings to be treated as a regulated person, in such circumstances, for such purposes and to such extent as may be provided (and may modify the application of the Schedule accordingly).
- (7) In this paragraph—

“group” has the meaning given by section 474 of the Companies Act 2006;

“undertaking” has the meaning given by section 1161 of that Act,

Environment Bill, *continued*

and whether an undertaking is a subsidiary of another undertaking is to be determined in accordance with section 1162 of that Act.

PART 2

ENFORCEMENT

General power

- 8 The Secretary of State may by regulations (“Part 2 regulations”) make provision about the enforcement of requirements imposed by or under Part 1 of this Schedule (“Part 1 requirements”).

Powers to confer functions

- 9 (1) Part 2 regulations may include provision conferring functions on one or more persons specified in the regulations (each of whom is an “enforcement authority” for the purposes of this Schedule).
- (2) Part 2 regulations may include provision—
- (a) conferring functions involving the exercise of discretion;
 - (b) for the functions of an enforcement authority to be exercised on its behalf by persons authorised in accordance with the regulations.
- (3) Part 2 regulations may include provision requiring an enforcement authority—
- (a) to issue guidance about the exercise of its functions;
 - (b) to consult with specified persons before issuing such guidance.

Monitoring compliance

- 10 Part 2 regulations may include provision conferring on an enforcement authority the function of monitoring compliance with Part 1 requirements.

Records and information

- 11 Part 2 regulations may include provision—
- (a) requiring persons on whom Part 1 requirements are imposed to keep records;
 - (b) requiring persons on whom Part 1 requirements are imposed to provide records or other information to an enforcement authority;
 - (c) requiring an enforcement authority to make reports or provide information to the Secretary of State.

Powers of entry etc

- 12 (1) Part 2 regulations may include provision conferring on an enforcement authority powers of entry, inspection, examination, search and seizure.
- (2) Part 2 regulations may include provision—
- (a) for powers to be exercisable only under the authority of a warrant issued by a justice of the peace, sheriff, summary sheriff or lay magistrate;
 - (b) about applications for, and the execution of, warrants.

Environment Bill, *continued*

- (3) Part 2 regulations must secure that the authority of a warrant is required for the exercise of any powers conferred by the regulations to—
- (a) enter premises by force;
 - (b) enter a private dwelling without the consent of the occupier;
 - (c) search and seize material.

Sanctions

- 13 (1) Part 2 regulations may include provision—
- (a) for, about or connected with the imposition of civil sanctions in respect of—
 - (i) failures to comply with Part 1 requirements or Part 2 regulations, or
 - (ii) the obstruction of or failure to assist an enforcement authority;
 - (b) for appeals against such sanctions.
- (2) Part 2 regulations must include provision to ensure that in a case where—
- (a) a regulated person fails to comply with a requirement in paragraph 2(1) or (2) in relation to their use of a forest risk commodity or a product derived from a forest risk commodity, but
 - (b) an enforcement authority is satisfied that the regulated person took all reasonable steps to implement a due diligence system in relation to the commodity used by the person in that particular case,
- a civil sanction may not be imposed on the regulated person in respect of the failure to comply.
- (3) Part 2 regulations may include provision—
- (a) creating criminal offences punishable with a fine in respect of—
 - (i) failures to comply with civil sanctions imposed under Part 2 regulations, or
 - (ii) the obstruction of or failure to assist an enforcement authority;
 - (b) about such offences.
- (4) In this paragraph “civil sanction” means a sanction of a kind for which provision may be made under Part 3 of the Regulatory Enforcement and Sanctions Act 2008 (fixed monetary penalties, discretionary requirements, stop notices and enforcement undertakings).
- 14 Part 2 regulations may include provision for the imposition of sanctions of that kind whether or not—
- (a) the conduct in respect of which the sanction is imposed constitutes an offence, or
 - (b) the enforcement authority is a regulator for the purposes of Part 3 of the Regulatory Enforcement and Sanctions Act 2008.

Charges

- 15 Part 2 regulations may include provision—
- (a) requiring persons on whom Part 1 requirements are imposed to pay to an enforcement authority charges, as a means of recovering costs incurred by that enforcement authority in performing its functions;
 - (b) authorising a court or tribunal dealing with any matter relating to Part 1 requirements or Part 2 regulations to award to an enforcement authority costs incurred by it in performing its functions in relation to that matter.

Environment Bill, *continued**Consultation requirement*

- 16 (1) Before making Part 2 regulations the Secretary of State must consult any persons the Secretary of State considers appropriate.
- (2) The requirement to consult in sub-paragraph (1) may be met by consultation carried out before this paragraph comes into force.

PART 3

GENERAL PROVISIONS

Review

- 17 (1) The Secretary of State must review the effectiveness of the Part 1 requirements and any Part 2 regulations (“relevant provisions”) in accordance with this paragraph.
- (2) A review must consider in particular—
- (a) the amount of forest being converted to agricultural use for the purposes of producing commodities;
 - (b) the impact of the relevant provisions on the amount of forest being converted to agricultural use for the purposes of producing forest risk commodities;
 - (c) the impact of the relevant provisions on the use of forest risk commodities, or products derived from forest risk commodities, in UK commercial activities where relevant local laws were not complied with in relation to those commodities;
 - (d) any changes to relevant local laws in relation to forest risk commodities.
- (3) Having carried out a review the Secretary of State must lay before Parliament, and publish, a report stating—
- (a) the conclusions of the review, and
 - (b) the steps, if any, the Secretary of State intends to take to improve the effectiveness of the relevant provisions (including whether the Secretary of State intends to make any regulations under this Schedule).
- (4) The first review must be completed during the period—
- (a) beginning with the second anniversary of the first date on which paragraphs 2 to 4 are fully in force, and
 - (b) ending with the third anniversary of the first date on which paragraphs 2 to 4 are fully in force.
- (5) Subsequent reviews must be completed before the end of the 2 year period beginning with the day on which the previous review was completed.
- (6) A review is completed when the Secretary of State has laid and published the report.

Interpretation

- 18 (1) In this Schedule—
- “agricultural use” includes use for horticulture and aquaculture;
 - “commercial activity” includes—
- (a) producing, manufacturing and processing;
 - (b) distributing, selling, or supplying;
 - (c) purchasing for a purpose within paragraph (a) or (b) (but not purchasing as a consumer);

Environment Bill, *continued*

“due diligence system”, in relation to a forest risk commodity, has the meaning given by paragraph 3;
 “enforcement authority” has the meaning given by paragraph 9;
 “forest” has the meaning given by paragraph 1;
 “forest risk commodity” has the meaning given by paragraph 1;
 “local law”, in relation to a forest risk commodity, has the meaning given by paragraph 2;
 “Part 1 requirements” has the meaning given by paragraph 8;
 “Part 2 regulations” has the meaning given by paragraph 8;
 “regulated person”, in relation to a forest risk commodity, has the meaning given by paragraph 7;
 “relevant local law”, in relation to a forest risk commodity, has the meaning given by paragraph 2;
 “reporting period” has the meaning given by paragraph 4;
 “UK commercial activity” means commercial activity carried on in the United Kingdom.

- (2) References in this Schedule to a product derived from a forest risk commodity are to a product derived from a forest risk commodity in whole or in part (and include any product of an animal fed on a forest risk commodity or a product derived from a forest risk commodity).”

Member’s explanatory statement

This new schedule contains provisions relating to the use of forest risk commodities by regulated persons in their UK commercial activities. Part 1 of the Schedule contains restrictions on the use of commodities and requirements relating to due diligence and reporting. Part 2 contains enforcement provisions. Part 3 contains a requirement for the Secretary of State to review the effectiveness of the Schedule.

ORDER OF THE HOUSE [26 FEBRUARY 2020, AS AMENDED 4 MAY 2020,
22 JUNE 2020 AND 28 SEPTEMBER 2020]

That the following provisions shall apply to the Environment Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 1 December 2020.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

Environment Bill, *continued*

6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.

ORDER OF THE COMMITTEE [10 MARCH 2020]

That—

- (1) the Committee shall (in addition to its first meeting at 9.25am on Tuesday 10 March) meet—
- (a) at 2.00pm on Tuesday 10 March;
 - (b) at 11.30am and 2.00pm on Thursday 12 March;
 - (c) at 9.25am and 2.00pm on Tuesday 17 March;
 - (d) at 11.30am and 2.00pm on Thursday 19 March;
 - (e) at 9.25am and 2.00pm on Tuesday 24 March;
 - (f) at 11.30am and 2.00pm on Thursday 26 March;
 - (g) at 9.25am and 2.00pm on Tuesday 31 March;
 - (h) at 4.00pm and 7.00pm on Tuesday 21 April;
 - (i) at 11.30am and 2.00pm on Thursday 23 April;
 - (j) at 9.25am and 2.00pm on Tuesday 28 April;
 - (k) at 11.30am and 2.00pm on Thursday 30 April;
 - (l) at 9.25am and 2.00pm on Tuesday 5 May;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

TABLE

| <i>Date</i> | <i>Time</i> | <i>Witness</i> |
|------------------|------------------------------|--|
| Tuesday 10 March | Until no later than 10.30am | Aldersgate Group; Broadway Initiative |
| Tuesday 10 March | Until no later than 11.25 am | Food and Drink Federation; Federation of Small Businesses; Veolia |
| Tuesday 10 March | Until no later than 2.30 pm | Local Government Association |
| Tuesday 10 March | Until no later than 3.30 pm | Natural England; Wildlife Trusts; Country Land and Business Association; NFU |
| Tuesday 10 March | Until no later than 4.00 pm | National Federation of Builders |
| Tuesday 10 March | Until no later than 5.00 pm | Greener UK; Greenpeace; Royal Society for the Protection of Birds |

Environment Bill, continued

| <i>Date</i> | <i>Time</i> | <i>Witness</i> |
|----------------------|---------------------------------|---|
| Thursday 12 March | Until no later than 12.15 pm | Asthma UK and British Lung Foundation; UNICEF; Air Quality Expert Group; ClientEarth |
| Thursday 12 March | Until no later than 1.00 pm | Water UK; Blueprint for Water; Marine Conservation Society |
| Thursday 12 March | Until no later than 2.45 pm | George Monbiot; Wildlife and Environment Link |
| Thursday 12 March | Until no later than 3.15 pm | Keep Britain Tidy; Green Alliance |
| Thursday 12 March | Until no later than 4.00 pm | Chem Trust; Chemical Industries Association; Unite |
| Thursday 12 March | Until no later than 5.00 pm | Scottish Environment LINK; Environmental Protection Scotland; Law Society Scotland |

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 21; Schedule 1; Clauses 22 to 45; Schedule 2; Clause 46; Schedule 3; Clause 47; Schedule 4; Clause 48; Schedule 5; Clause 49; Schedule 6; Clause 50; Schedule 7; Clause 51; Schedule 8; Clause 52; Schedule 9; Clauses 53 to 63; Schedule 10; Clauses 64 to 69; Schedule 11; Clause 70; Schedule 12; Clauses 71 to 78; Schedule 13; Clauses 79 to 90; Schedule 14; Clauses 91 to 100; Schedule 15; Clauses 101 to 115; Schedule 16; Clauses 116 to 122; Schedule 17; Clauses 123 and 124; Schedule 18; Clause 125; Schedule 19; Clauses 126 to 133; new Clauses; new Schedules; remaining proceedings on the Bill;
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 5 May.

ORDER OF THE COMMITTEE [3 NOVEMBER 2020]

That—

- (1) In paragraph (1)(d), leave out “and 2.00pm”.
- (2) In paragraph (1), leave out sub-paragraphs (e) to (l).
- (3) After paragraph (1), insert—
 - “(1A) the Committee shall (in addition to its meeting at 9.25am on Tuesday 3 November) meet—
 - (a) at 2.00 pm on Tuesday 3 November;
 - (b) at 11.30 am and 2.00 pm on Thursday 5 November;
 - (c) at 9.25 am and 2.00 pm on Tuesday 10 November;
 - (d) at 11.30 am and 2.00 pm on Thursday 12 November;
 - (e) at 9.25 am and 2.00 pm on Tuesday 17 November;
 - (f) at 11.30 am and 2.00 pm on Thursday 19 November;
 - (g) at 9.25 am and 2.00 pm on Tuesday 24 November;

Environment Bill, *continued*

- (h) at 11.30 am and 2.00 pm on Thursday 26 November;
- (i) at 9.25 am and 2.00 pm on Tuesday 1 December;”.
- (4) In paragraph (4), leave out “5 May” and insert “1 December”.

NOTICES WITHDRAWN

The following Notices were withdrawn on 9 March 2020:

Amendments 96, 100, 101 and 102

The following Notices were withdrawn on 10 March 2020:

Amendment 104

The following Notices were withdrawn on 13 March 2020:

Amendment 122
