

Clean Air Bill

[AS INTRODUCED]

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B I L L

TO

Establish the right to breathe clean air; to make provision for the purpose of reducing indoor and outdoor air pollution, including greenhouse gases; to set minimum standards for air quality in workplaces, homes and public spaces; to require the monitoring of air quality; to require the Secretary of State to publish a strategy for reducing air pollution, including setting targets and measures for air quality, and to report to Parliament annually on the implementation of that strategy; to give powers to the Office for Environmental Protection to enforce legislation relating to air quality and the reduction of greenhouse gas emissions; to make provision for the purpose of reducing pollution from vehicles; to place a duty on the Secretary of State to encourage and facilitate forms of active travel and to publish a strategy for reducing emissions from transport; to require the Secretary of State to promote public awareness of the impact of air pollution on public health; to place restrictions on the use of wood-burning stoves in urban areas; and for connected purposes.

BE IT ENACTED by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Right to breathe clean air

- (1) This section establishes the right for people to breathe clean air.
- (2) So far as it is possible to do so, primary legislation and subordinate legislation must be read and given effect in a way which is compatible with that right.
- (3) It is unlawful for a public authority to act in a way which is incompatible with the right in subsection (1). 5
- (4) Subsection (3) does not apply to an act if—
 - (a) as the result of one or more provisions of primary legislation, the authority could not have acted differently; or
 - (b) in the case of one or more provisions of, or made under, primary legislation which cannot be read or given effect in a way which is compatible with the Convention rights, the authority was acting so as to give effect to or enforce those provisions. 10
- (5) In this section “public authority” includes—
 - (a) a court or tribunal, and 15

(b) any person certain of whose functions are functions of a public nature, but does not include either House of Parliament or a person exercising functions in connection with proceedings in Parliament.

- (6) In relation to a particular act, a person is not a public authority by virtue only of subsection (4)(b) if the nature of the act is private. 5
- (7) “An act” includes a failure to act but does not include a failure to—
 (a) introduce in, or lay before, Parliament a proposal for legislation; or
 (b) make any primary legislation or remedial order.
- (8) For the purposes of this Act,
 “clean air” means air that does not contain banned pollutants or pollutants, concentrations or emissions above the limits or levels of exposure (which may be zero) which the Secretary of State may by regulations prescribe. 10

2 Targets for reduction of indoor and outdoor air pollution

- (1) The Secretary of State must, within 6 months of the passing of this Act, lay before Parliament a report setting targets for the reduction of indoor and outdoor air pollution, including greenhouse gases. 15
- (2) The Secretary of State may lay before Parliament further reports revising those targets, provided that the targets are not reduced.
- (3) The Secretary of State must take all practicable steps to ensure that the targets set under this section meet or exceed targets set by the European Union for the reduction of indoor and outdoor air pollution. 20
- (4) One of the targets in the report laid under subsection (1) must be for health-harmful concentrations of certain air pollutants outdoors and inside buildings and homes to be at or below the limits recommended by the World Health Organization by 2030. 25
- (5) The Secretary of State must regularly review the targets under this section in line with the latest guidance from public health authorities and international bodies, including the World Health Organization and the International Organization for Standardization. 30
- (6) The Secretary of State must publish annual reports on performance against the targets and associated policy measures.

3 Air quality: minimum standards

- (1) The Secretary of State must by regulations set minimum standards for air quality in— 35
 (a) workplaces,
 (b) dwellings, and
 (c) public spaces.
- (2) Regulations under this section—
 (a) may make different provision for different purposes, 40

- (b) must make provisions about the enforcement of the minimum standards.
- (3) The Secretary of State must from time to time by regulations revise the minimum standards.
- 4 Indoor air quality: report and taskforce** 5
- (1) The Secretary of State must within 6 months of the passing of this Act—
- (a) lay before Parliament a report on steps to be taken to ensure that World Health Organization and International Organization for Standardization guidelines on indoor air quality are adhered to, and
- (b) establish a cross-government taskforce on indoor air quality. 10
- (2) That taskforce must advise central government departments, local government and other public bodies on the compatibility of proposed policies with improvements in indoor air quality.
- 5 Air quality: monitoring**
- (1) The Secretary of State must, within 12 months of the passing of this Act, by regulations, empower and require local authorities to— 15
- (a) establish air pollution monitoring—
- (i) in each postcode district, and
- (ii) in areas with high concentrations of people vulnerable to air pollution, including children and the elderly; 20
- (b) regularly report the results of that monitoring;
- (c) following appropriate local consultation, produce a local air quality plan containing measures to meet or exceed minimum European Union air quality standards for particulates and oxides of nitrogen;
- (d) have regard to the local air quality action plan when considering proposals for building work, in particular when considering the ventilation of buildings. 25
- (2) The Secretary of State must, within 12 months of the passing of this Act, by regulations, empower and require the Environment Agency to—
- (a) measure air pollution in certain specified high-risk areas on a regular basis including urban areas, ports and airports, 30
- (b) issue air pollution warnings in circumstances where measurement reveals breaches of specified levels of pollution.
- 6 Air pollution: strategy**
- (1) Within six months of the passing of this Act, the Secretary of State must publish a strategy for reducing air pollution. 35
- (2) A strategy published under this section must include targets and measures for air quality.
- (3) The Secretary of State must lay before Parliament an annual report on implementation of the strategy published under this section. 40

7 Office for Environmental Protection: powers

- (1) The Environment Act 2021 is amended as follows.
- (2) After section 43 (confidentiality of proceedings), insert—

“43A Failure to comply with law on air quality and the reduction of greenhouse gas emissions

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- (1) The Secretary of State must by regulations make provision about functions of the OEP in relation to failures to comply with the law in respect of air quality and the reduction of greenhouse gas emissions
- (2) Regulations under subsection (1) may—
 - (a) make provision about the making of complaints to the OEP about failures to comply with the law, 10
 - (b) make provision about the OEP’s powers to investigate failures to comply with the law,
 - (c) enable the OEP to impose penalties for failures to comply with the law, 15
 - (d) modify legislation including primary legislation.
- (3) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by resolution of each House of Parliament.”

8 Vehicles: reducing pollution

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- (1) The Secretary of State must, within 12 months of the passing of this Act, by regulations, empower and require local authorities to—
 - (a) establish and extend low emission zones and restrict the access of vehicles that fail Euro 5 emissions standards and secondary engines including transport refrigeration units, to specified urban areas; 25
 - (b) develop and implement coordinated urban planning strategies to reduce reliance on vehicle transport to include (but not be limited to) measures relating to—
 - (i) site allocation,
 - (ii) development density and mix of uses, 30
 - (iii) the development of integrated walking and cycling infrastructure,
 - (iv) green infrastructure, such as trees and green spaces, in both encouraging walking and cycling and reducing pollution;
 - (c) produce sustainable transport plans for urban areas to provide for lower emission options, including but not limited to— 35
 - (i) electric tram systems,
 - (ii) electric powered buses and taxis, and
 - (iii) other forms of electric and hydrogen-powered public and private transport; and 40
 - (d) prohibit engine-powered boats from mooring beside schools; and
 - (e) prohibit the idling of boat engines.

- (2) The Secretary of State must, within 12 months of the passing of this Act, by regulations, empower and require the Environment Agency to instigate traffic calming measures, including road closure orders, port and airport restrictions in circumstances where measurement reveals breaches of specified levels of pollution until air pollution levels return to within tolerance. 5

9 Prohibition of sale of new petrol- and diesel-powered vehicles

- (1) A person commits an offence if they sell or supply a new petrol- or diesel-powered vehicle.
- (2) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or both; 10
 - (b) on summary conviction to a fine not exceeding the statutory maximum.
- (3) The Secretary of State must, by regulations, bring this section into force no later than 1 January 2030.

10 Penalties for stationary idling offences

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- (1) The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 (S.I. 2002/1808) are amended as follows.
- (2) At the end of regulation 8(b) (amount of penalty), insert “(subject to paragraph (c))”.
- (3) After regulation 8(b) (amount of penalty), insert— 20
- “(c) for a stationary idling offence outside a school, on payment of £200.”
- (4) At the end of regulation 17(6)(c) (effect of issue of fixed penalty notice), insert—
- “(d) of £200, in the case of a stationary idling offence outside a school, shall be increased to £400.” 25

11 Reducing emissions from transport

- (1) The Secretary of State must take all reasonable steps to encourage and facilitate forms of active travel.
- (2) Within six months of the passing of this Act, the Secretary of State must publish a strategy for reducing emissions from transport. 30
- (3) The secretary of State must lay an annual report before Parliament about the implementation of the strategy under subsection (2).

12 Maritime air pollution

- (1) The Secretary of State must, within 12 months of the passing of this Act, by regulations, require local authorities in coastal urban areas to measure local air pollution levels attributable to ships. 35

- (2) The Secretary of State, having consulted local authorities in coastal urban areas, must make regulations requiring ships using ports in England and Wales to use emissions-reduction technology.
- (3) Regulations under subsection (2), must include a mandatory requirement that ports provide electric supply points in docks as an alternative to fossil fuels for ships and allow charging schemes to recover installation and power supply. 5
- (4) The Secretary of State must require port authorities to ensure air quality and emissions from ships are kept within prescribed limits and, where they are breached, to impose financial penalties.

13 Airport and aircraft air pollution 10

- (1) The Secretary of State must, within 12 months of the passing of this Act, by regulations, require local authorities within which airports in urban areas are located to measure local air pollution levels attributable to aircraft, ground traffic and airport industries.
- (2) The Secretary of State, having consulted local authorities which within their areas have airports located in urban areas, must make regulations for emissions, from aircraft ground traffic and airport industries. 15
- (3) The regulations at subsection (2) must include a requirement for airports to provide electric supply points.
- (4) The Secretary of State must, require airports authorities to ensure air quality and emissions are kept within prescribed limits and the regulations will must empower local authorities to impose penalties if they are breached. 20

14 Public awareness

The Secretary of State must take all practicable steps to promote public awareness of the impact of air pollution on public health. 25

15 Restrictions on use of wood-burning stoves

- (1) The Secretary of State must by regulations provide for restrictions on the use of wood-burning stoves in urban areas in England.
- (2) In making regulations under subsection (1), the Secretary of State must have regard to the effects of emissions from wood-burning stoves on public health. 30

16 Regulations

- (1) Regulations under this Act are to be made by statutory instrument.
- (2) A statutory instrument containing regulations under this Act may not be made unless a draft of the instrument has been laid before and approved by resolution of each House of Parliament. 35

17 Financial provision

There is to be paid out of money provided by Parliament –

- (a) any expenditure incurred under or by virtue of this Act by a Minister of the Crown, and*
- (b) any increase attributable to this Act in the sums payable under any other Act out of money so provided.*

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18 Extent, commencement and short title

- (1) This Act extends to England and Wales, Scotland and Northern Ireland, except that sections 3 (air quality: minimum standards), 5 (air quality: monitoring), 8 (vehicles: reducing pollution), 10 (penalties for stationary idling offences), 12 (maritime air pollution), 13 (airport and aircraft air pollution) and 15 (restrictions on use of wood-burning stoves) extend to England and Wales.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Clean Air Act 2023.

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*Presented by Geraint Davies
supported by John McNally, Layla Moran, Ben Lake,
Rosie Duffield, Ian Byrne, Debbie Abrahams,
Dawn Butler, Mr Virendra Sharma, Dan Jarvis,
Caroline Lucas and Christine Jardine.*

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