

Environment Bill

REVISED
EIGHTH
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

The amendments have been marshalled in accordance with the Instruction of 14th June 2021, as follows –

Clauses 1 to 21	Schedule 11
Schedule 1	Clause 72
Clauses 22 to 47	Schedule 12
Schedule 2	Clauses 73 to 80
Clause 48	Schedule 13
Schedule 3	Clauses 81 to 92
Clause 49	Schedule 14
Schedule 4	Clauses 93 to 107
Clause 50	Schedule 15
Schedule 5	Clauses 108 and 109
Clause 51	Schedule 16
Schedule 6	Clauses 110 to 123
Clause 52	Schedule 17
Schedule 7	Clauses 124 to 130
Clause 53	Schedule 18
Schedule 8	Clauses 131 and 132
Clause 54	Schedule 19
Schedule 9	Clause 133
Clauses 55 to 65	Schedule 20
Schedule 10	Clauses 134 to 141
Clauses 66 to 71	Title

[Amendments marked ★ are new or have been altered]

Amendment
No.

After Clause 109

LORD TEVERSON
BARONESS JONES OF MOULSECOOMB

262A

Insert the following new Clause –

“Collection of marine data

- (1) The Secretary of State must –
 - (a) by regulations provide that all vessels over 10 metres in length, and of whatever nationality, fishing within territorial waters and the UK Exclusive Economic Zone must be fitted with remote electronic monitoring systems and cameras for the purposes of –
 - (i) full and accurate documentation and data collection of fish activities, and bycatch, so far as these affect biodiversity and sustainability; and
 - (ii) monitoring compliance with fish activities, bycatch and other marine management regulations so far as it affects biodiversity and sustainability;
 - (b) by regulations provide that all British vessels fishing outside the UK Exclusive Economic Zone must be fitted with remote electronic monitoring systems and cameras for the purposes of –
 - (i) full and accurate documentation and data collection of fish activities and bycatch, so far as these affect biodiversity and sustainability; and
 - (ii) monitoring compliance with fish activities, bycatch and other marine management regulations so far as it affects biodiversity and sustainability;
 - (c) publish a timetable for the phased introduction of the provisions under paragraphs (a) and (b), the final phase of which must be implemented within three years from the day on which this Act is passed;
 - (d) publish plans, within two years from the day on which this Act is passed, following a consultation, to extend remote electronic monitoring systems with cameras to all motorised vessels of whatever nationality fishing within territorial waters and the UK Exclusive Economic Zone.
- (2) Regulations under this section are subject to the affirmative procedure.
- (3) In this section, “fish activities” has the meaning given by section 52 of the Fisheries Act 2020.”

Member’s explanatory statement

The amendment mandates the use of remote electronic monitoring (REM) on all fishing vessels above 10 metres in length that fish in UK waters in order to accurately monitor marine environmental data and requires plans to be published to extend REM to all vessels.

Schedule 16

LORD LUCAS

263

Page 227, line 21, at end insert “, or other area of environmental significance (including peat moors and wetlands).”

Member's explanatory statement

This amendment aims to extend the coverage of protection to other environments currently under threat from commodity production.

- 264** Page 227, line 21, at end insert “on 31 December 2021, as evidenced by maps freely available for public use.”

Member's explanatory statement

This amendment aims to ensure that encroachments on forest after the passage of this Bill cannot remove land from the definition of “forest”.

BARONESS JONES OF WHITCHURCH

LORD OATES

BARONESS SHEEHAN

- 264ZA** Page 227, line 35, at end insert “, and free, prior and informed consent has been obtained from affected indigenous peoples and local communities”

Member's explanatory statement

This amendment would require that the prohibition on using a forest risk commodity must also be in accordance with having obtained the free, prior and informed consent of indigenous peoples and local communities, in addition to complying with relevant local laws.

BARONESS MEACHER

THE EARL OF SANDWICH

BARONESS SHEEHAN

- 264A** Page 228, line 38, at end insert –

- “2A (1) A regulated person in relation to a forest risk commodity must not use that commodity, or a product derived from that commodity, in their UK commercial activities unless the source organism was not grown, raised, or cultivated on land that was forest at the date this paragraph comes into force, or an earlier date specified in regulations made by the Secretary of State, and has since been degraded or converted to agricultural use.
- (2) Without limiting sub-paragraph (1), forest will be regarded as degraded if its tree canopy cover (excluding trees planted for the purpose of producing timber or other commodities) has decreased due to human activity.
- (3) Sub-paragraph (1) does not apply to source organisms grown, raised or cultivated by indigenous peoples, or other communities with customary land use rights, in accordance with their customary rights and practices.”

Member's explanatory statement

This amendment introduces a requirement that a regulated person does not use forest risk commodities or products derived from those commodities in their UK commercial activities if the commodities or products are derived from land that is deforested after the commencement of Schedule 16 or an earlier date set by regulation, with the exception of forest risk commodities produced by indigenous people or other communities with customary land use rights according to traditional farming practices.

BARONESS SHEEHAN

- 264B** Page 229, line 3, at end insert “to a negligible level except where the risks identified and assessed are already negligible.”

Member's explanatory statement

This amendment would introduce an estimation of the level of risk.

LORD LUCAS

265 Page 229, line 8, at end insert –

- “(4) The Secretary of State may designate a body as an authorised due diligence provider in respect of a specified forest risk commodity.
- (5) The Secretary of State may –
- (a) by regulations make provision for a levy to be paid on any imports of that commodity or of products containing that commodity;
 - (b) exempt from the levy material certified in a specified manner by the authorised due diligence provider;
 - (c) use monies received from the levy to support the safeguarding of forests at risk.”

Member's explanatory statement

This amendment aims to advantage product that has been subject to due diligence, and allow the Government to support the extension of quality due diligence.

BARONESS SHEEHAN

265ZA Page 229, line 21, at end insert –

- “(3A) Before making regulations, the Secretary of State must consult persons representing the interests of those likely to be affected, including businesses, environmental organisations and indigenous peoples.”

Member's explanatory statement

The amendment would require the Secretary of State to consult relevant interest groups before making regulations about the annual reports under this Schedule.

BARONESS PARMINTER
LORD RANDALL OF UXBRIDGE
THE EARL OF SANDWICH
BARONESS JONES OF WHITCHURCH

265A Page 231, line 30, at end insert –

“Regulated financial person

- 8 (1) A regulated financial person must not provide financial services for commercial enterprises engaging in the production, trade, transport or use of a forest risk commodity unless relevant local laws are complied with in relation to that commodity.
- (2) A regulated financial person who provides financial services for commercial enterprises engaging in the production, trade, transport or use of a forest risk commodity must establish and implement a due diligence system in relation to the provision of those financial services.
- (3) A “due diligence system”, in relation to a regulated financial person, means a system for –
- (a) identifying, and obtaining information about, the operations of a commercial enterprise engaging in the production, trade, transport or use of a forest risk commodity to which it provides financial services,

Schedule 16 - continued

- (b) assessing the risk that such a commercial enterprise is not complying with relevant local laws in relation to that commodity,
 - (c) assessing the risk that a commercial enterprise is not complying with paragraphs 2 and 3 of this Schedule, and
 - (d) mitigating that risk.
- (4) A regulated financial person must, for each reporting period, provide the relevant authority with a report on the actions taken by the regulated financial person to establish and implement a due diligence system as required by paragraph 3.
- (5) A “regulated financial person” means a person (other than an individual) who carries on financial services in the United Kingdom and—
- (a) meets such conditions as may be specified in regulations made by the Secretary of State; or
 - (b) is an undertaking which is a subsidiary of another undertaking which meets those conditions.
- (6) In this paragraph—
- “commercial enterprise” means a person (other than an individual) who carries on commercial activities in any jurisdiction relating to the production, trade, transport or use of forest risk commodities;
- “financial services” means—
- (a) the provision of banking services including the acceptance of deposits in the course of business;
 - (b) the provision of loans in the course of a banking, credit or lending business, including by way of term loan, revolving credit facility, debentures and bonds;
 - (c) regulated activities as defined under section 22 of the Financial Services and Markets Act 2000 and the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 (SI 2001/544), in each case as amended; or
 - (d) such other financial services as may be specified in regulations made by the Secretary of State;
- “group” has the meaning given by section 474 of the Companies Act 2006;
- “undertaking” has the meaning given by section 1161 of that Act.”

Member’s explanatory statement

This amendment requires that persons who carry out financial services in the United Kingdom do not provide financial services to commercial enterprises engaged in the production, trade, transport or use of forest risk commodities unless they are complying with local relevant laws.

BARONESS SHEEHAN

265AA

Page 233, line 5, leave out “reasonable steps to implement a” and insert “steps necessary to implement an effective”

Member's explanatory statement

This amendment would require a regulated person to take the steps necessary to implement an effective due diligence system.

LORD RANDALL OF UXBRIDGE

265B Page 234, line 18, at end insert –

“(e) whether further steps are required to reduce the rate of deforestation to significantly reduce global footprint in accordance with the target set under section (*Global footprint target*).

(2A) A review must be conducted independently and transparently.”

Member's explanatory statement

This amendment would require the Secretary of State to take the steps identified through a review to improve the effectiveness of the due diligence and global footprint provisions.

265C Page 234, line 19, leave out sub-paragraph (3)

Member's explanatory statement

This amendment would require the Secretary of State to take the steps identified through a review to improve the effectiveness of the due diligence and global footprint provisions.

265D Page 234, line 25, at end insert –

“(3A) Where a review finds that –

(a) the effectiveness of the relevant provisions could be improved,
or

(b) further steps to reduce the rate of deforestation are necessary to significantly reduce global footprint,

the Secretary of State must take the steps specified in sub-paragraph (3B).

(3B) Where this sub-paragraph applies, the Secretary of State must, within six months of the completion of the review –

(a) obtain and take into account independent expert advice on the steps necessary to improve the relevant provisions, or to reduce the rate of deforestation to significantly reduce global footprint,

(b) lay draft regulations for approval subject to the affirmative procedure setting out the steps necessary, and

(c) publish the conclusions of the review.”

Member's explanatory statement

This amendment would require the Secretary of State to take the steps identified through a review to improve the effectiveness of the due diligence and global footprint provisions.

Clause 110

THE EARL OF DEVON

266 Page 109, line 11, leave out “appears from” and insert “is stated within”

Member's explanatory statement

This amendment, along with others to this Clause, is intended to add formal requirements for an agreement to qualify as a conservation covenant.

- 267 Page 109, line 13, leave out “in writing signed” and insert “signed as a deed”
- 268 Page 109, line 13, at end insert –
- “(d) the agreement makes provision for the payment of consideration to the landowner, or states that no consideration is to be provided, and
 - (e) the agreement includes provision regarding the duration or end date of the agreement.”

Clause 111

THE EARL OF DEVON

- 269 Page 110, line 16, at end insert –
- “(2A) Ancillary provisions include any provision in the conservation covenant agreement for the payment of consideration in relation to the provisions under section 110(1)(a), and private rights of access necessary for the fulfilment of the obligations under section 110(1)(a).”

Member's explanatory statement

This amendment aims to ensure that payment obligations and access arrangements are written into the contract and given statutory effect.

Clause 112

LORD OATES

- 270 Page 110, line 31, at end insert –
- “(aa) a local authority,”

Member's explanatory statement

The purpose of this amendment and others to this Clause is to designate local authorities as responsible bodies for the purposes of Part 7 of the Bill and to make consequent changes.

- 271 Page 110, line 34, leave out “a local authority or” and insert “any”
- 272 Page 110, line 36, leave out subsection (3)
- 273 Page 110, line 38, leave out “that is not a local authority”

THE EARL OF DEVON

- 274 Page 111, line 1, leave out “at least some” and insert “all”

Member's explanatory statement

This amendment aims to ensure that responsible bodies which are not local authorities or charities demonstrate that all of their main activities relate to conservation to ensure that landowners have the confidence that the body entering into the agreement has the expertise and ability to carry out obligations under the covenant for the duration of the term.

LORD OATES

275 Page 111, line 9, leave out “in the case of a body other than a local authority,”

Clause 125

THE EARL OF DEVON

276 Page 118, line 14, leave out “has no liability with respect to the performance of any obligation” and insert “must perform all obligations”

Member’s explanatory statement

This amendment aims to ensure that in the event that a conservation covenant is transferred to the Secretary of State as custodian, the obligations transfer as well.

After Clause 129

LORD CAMERON OF DILLINGTON

276A Insert the following new Clause –

“Conservation covenants: common land

- (1) The Secretary of State may by regulations make provision to grant a responsible body an option to purchase a right of common consisting of a right to graze any animal, or an apportionment of such a right, from a landowner of an estate to which the right is attached under a conservation covenant agreement.
- (2) Before making regulations the Secretary of State must undertake a consultation.
- (3) Regulations under this section are subject to the affirmative procedure.
- (4) A draft of a statutory instrument containing regulations under this section must be laid before Parliament before the end of the period of six months beginning with the day on which this Act is passed.”

Clause 133

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

277 Page 120, line 29, at end insert –

- “(1) Article 26 of the REACH Regulation is amended as follows.
- (2) After the words “the same” insert “or similar” in each place where they appear.
- (3) After paragraph 4 insert –
 - “5. In this Article, “similar substance” means a substance whose physicochemical, toxicological and eco-toxicological properties are likely to be similar, or which follows a regular pattern as a result of structure, to the substance with which comparison is made.””

Member’s explanatory statement

REACH Regulation Articles 26, 27 and 30 deal with prevention of duplication of testing. This amendment would extend the duties to enquire and data share to sufficiently similar substances with a view to further avoiding any unnecessary duplication of testing on animals.

After Clause 133

LORD GOLDSMITH OF RICHMOND PARK

278 Insert the following new Clause –

“Amendments of Schedule 7B to the Government of Wales Act 2006

- (1) Schedule 7B to the Government of Wales Act 2006 (general restrictions on legislative competence of Senedd Cymru) is amended as follows.
- (2) In paragraph 9(8)(b) (exceptions to restrictions relating to reserved authorities) –
 - (a) omit the “or” at the end of paragraph (v);
 - (b) after paragraph (vi) insert “; or –
(vii) the Environment Act 2021.”
- (3) In paragraph 11(6)(b) (exceptions to restrictions relating to Ministers of the Crown) –
 - (a) omit the “or” at the end of paragraph (v);
 - (b) after paragraph (vi) insert “; or –
(vii) the Environment Act 2021.”

Member’s explanatory statement

Several provisions of the Bill give both the Welsh Ministers and the Secretary of State functions relating to Welsh devolved matters. The amendments made by this new Clause enable Senedd Cymru to remove the Secretary of State’s functions relating to Welsh devolved matters without the Secretary of State’s consent.

LORD FAULKNER OF WORCESTER

LORD FORSYTH OF DRUMLEAN

LORD BRADSHAW

THE EARL OF CLANCARTY

279 Insert the following new Clause –

“Non-application to smoke emissions from heritage vehicles or historic buildings

- (1) For the avoidance of doubt, this Act has no application to the emission of smoke from –
 - (a) the chimney of a railway locomotive, the chimney of a road vehicle or portable or stationary engine, or the funnel of a vessel in respect of which the emission of the smoke is an intrinsic feature of the functioning of the motive power concerned and in respect of which such motive power has been preserved, restored or recreated for heritage purposes;
 - (b) the chimney of an historic building or the chimney or other outlet of a museum intended to portray the means of internal heating of the rooms in such building or museum or facilities for the cooking of food or the provision of other services therein.
- (2) In this section –

“heritage purposes” means a state of affairs intended to display a transport mode or machinery in a past setting for educational, recreational or tourist purposes;

After Clause 133 - continued

“smoke” includes grit, dust or other matter derived from the burning of solid, liquid or gaseous substances.”

BARONESS MCINTOSH OF PICKERING
LORD TEVERSON

280 Insert the following new Clause –

“Research into impact of offshore windfarms

- (1) The Secretary of State may by regulations provide that before planning permission is granted, research must be undertaken by companies seeking to construct and operate offshore windfarms into the cumulative impact on –
 - (a) the environment,
 - (b) marine life, and
 - (c) sea mammals,
 of the construction and operation phase of such windfarms.
- (2) Regulations under this section are subject to the affirmative procedure.”

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
BARONESS JONES OF MOULSECOOMB
LORD TEVERSON

281 Insert the following new Clause –

“REACH: targets to replace testing on animals

- (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 may 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 amendment requires the Secretary of State to set targets for replacing testing on animals within the scope of the REACH Regulation.

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
LORD TEVERSON

282 Insert the following new Clause—

“REACH: data sharing for unnecessary testing

- (1) The Secretary of State must by regulations make provision for sharing data and the avoidance of unnecessary testing of substances where they are sufficiently similar in nature.
- (2) Regulations made under this section must require potential registrants to enquire of the agency whether registration has already been submitted for a substance of a sufficiently similar nature in addition to substances which are the same.
- (3) Potential registrants must share—
 - (a) their identity;
 - (b) the identity of the substance;
 - (c) which information requirements would require new studies involving animals to be carried out by the registrant;
 - (d) an assessment of alternative non-animal testing methods available to meet these requirements.
- (4) For the purposes of regulations made under this section, “sufficiently similar” has the same meaning as used for the purposes of the International Programme on Chemical Safety.”

Member’s explanatory statement

This amendment will enable further avoidance of unnecessary duplication of animal tests where data from sufficiently similar substances is already available.

BARONESS JONES OF WHITCHURCH
BARONESS JONES OF MOULSECOOMB
BARONESS BENNETT OF MANOR CASTLE
LORD TEVERSON

283 Insert the following new Clause—

“Prohibition on burning of peat in upland areas

- (1) A person must not burn specified vegetation on land in England which is within an upland area on peat.
- (2) In this section—
 - (a) “specified vegetation” means heather, rough grass, bracken, gorse or vaccinium;
 - (b) “upland area” means all the land shown coloured pink on the map marked as “Map of Upland Area in England” held by the Department for Environment, Food and Rural Affairs but does not include the land coloured pink in the Isles of Scilly.”

After Clause 133 - continued

BARONESS BENNETT OF MANOR CASTLE

284 Insert the following new Clause—

“Public Rights for Recreational Access to Land in England

- (1) Within six months of the passing of this Act, the Secretary of State must publish a review of public rights for recreational access to land in England (“the Review”).
- (2) The Review must include—
 - (a) a comparison of public rights to access land for recreational purposes in England and the other parts of the United Kingdom;
 - (b) a public consultation on rights to access land for recreational purposes in England; and
 - (c) proposals to set long-term targets to increase people's enjoyment of the natural environment by increasing rights for recreational access to land.”

BARONESS JONES OF MOULSECOOMB

285 Insert the following new 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) In the Petroleum Act 1998 omit sections 4A and 4B (as inserted by section 50 of the Infrastructure Act 2015).
- (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 is passed,
 shall cease to be valid three months after that day.
- (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 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.

BARONESS BENNETT OF MANOR CASTLE

286 Insert the following new Clause—

“Strategy for new economic goals to deliver environmental protection and societal wellbeing

- (1) Her Majesty’s Government must prepare a strategy for the adoption of new economic goals to deliver environmental protection and societal wellbeing.
- (2) “Environmental protection” in subsection (1) means the protection of humans and the natural environment from the impacts of human activity as defined in section 44.
- (3) The new economic goals must address—
 - (a) the environmental targets in this Act,
 - (b) the Climate Change Act 2008,
 - (c) the United Kingdom’s commitments under international environmental agreements, laws and treaties,
 - (d) the wellbeing of future generations,
 - (e) the overseas environmental impacts of UK consumption and economic activity, and
 - (f) the contribution of the UK’s consumption and production to the state of the global environment, in relation to nine planetary boundaries—
 - (i) stratospheric ozone depletion,
 - (ii) loss of biosphere integrity (biodiversity loss and extinctions),
 - (iii) chemical pollution and the release of novel entities,
 - (iv) climate change,
 - (v) ocean acidification,
 - (vi) freshwater consumption and the global hydrological cycle,
 - (vii) land system change,
 - (viii) nitrogen and phosphorus flows to the biosphere and oceans, and
 - (ix) atmospheric aerosol loading.
- (4) The strategy must—
 - (a) set out how the new economic goals will replace growth in gross domestic product as the principal measure of national economic progress,
 - (b) set out a vision for how the economy can be designed to serve the wellbeing of humans and protect the natural environment,
 - (c) include a set of indicators for each new economic goal, and
 - (d) set out plans for the application of new economic goals and indicators to central and local government decision-making processes including but not limited to Central Government Guidance on Appraisal and Evaluation produced by HM Treasury (the Green Book).
- (5) In drawing up the strategy, Her Majesty’s Government must obtain, publish and take into account the advice of—
 - (a) experts in the field of ecological economics,
 - (b) a nationally representative citizens assembly,
 - (c) trades unions,
 - (d) businesses,
 - (e) statutory agencies,

After Clause 133 - continued

- (f) representatives of local and regional government, and
 - (g) any persons the Secretary of State considers to be independent and to have relevant expertise.
- (6) The strategy must be laid before Parliament within 12 months of the passing of this Act.
 - (7) The Secretary of State must lay before Parliament an annual report on progress towards meeting the new economic goals and their efficacy in delivering environmental protection and societal wellbeing.
 - (8) A Minister of the Crown must, not later than one month after the report has been laid before Parliament, move a motion in the House of Commons in relation to that report.”

Member’s explanatory statement

This new Clause requires the Government to prepare a strategy for the adoption of new economic goals that are designed to deliver environmental protection and societal wellbeing and to report annually on these goals.

BARONESS BENNETT OF MANOR CASTLE
BARONESS WHITAKER

287

Insert the following new Clause—

“International crime of ecocide

- (1) It is an objective of Her Majesty’s Government to support the negotiation of an amendment to the Rome Statute of the International Criminal Court to establish a crime of ecocide.
- (2) In pursuance of subsection (1), a relevant Minister of the Crown must propose, either independently or jointly with other sovereign states, an amendment to the Rome Statute of the International Criminal Court within 12 months of the passing of this Act.
- (3) In this section “ecocide” refers to harm to nature which is severe and widespread or long-term.”

BARONESS JONES OF MOULSECOOMB

288

Insert the following new Clause—

“Rights and duties

- (1) The powers and duties in this Act must be exercised in pursuance and recognition of the duties of the state and public authorities at all levels to protect human life and health and to ensure a healthy environment now and for future generations under Article 2 (Right to life) and Article 8 (Right to respect for private and family life and home) of the European Convention on Human Rights.
- (2) There is a right to breathe clean air.
- (3) Public authorities at all levels must act compatibly with—
 - (a) the National Air Quality Strategy,
 - (b) the national Environmental Improvement Plan,

After Clause 133 - continued

- (c) any national air quality plan,
 - (d) any national short-term action plan on air quality,
 - (e) any Air Pollution Improvement Area, and
 - (f) the need to achieve net zero emissions by 2030,
- when exercising any relevant function.”

BARONESS JONES OF WHITCHURCH
 BARONESS HAYMAN OF ULLOCK
 LORD TEVERSON

289 Insert the following new Clause –

“Review of the operation of REACH legislation

- (1) Within two years of the day on which this Act is passed, the Secretary of State must undertake a review of –
 - (a) the operation of UK REACH legislation, and
 - (b) the performance of the Health and Safety Executive (“the HSE”) in relation to that legislation.
- (2) The review under subsection (1) must consider –
 - (a) the impact of actual or planned revisions to REACH legislation under the powers of Schedule 20, and
 - (b) the suitability of the HSE’s resourcing, including (but not limited to) staffing levels and technical expertise.
- (3) Upon completion of the review, the Secretary of State must lay a report before both Houses of Parliament.”

Member’s explanatory statement

This amendment would establish a mechanism for reviewing the performance of the Health and Safety Executive in relation to its expanded responsibilities under UK REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals).

THE EARL OF LYTTON

290 Insert the following new Clause –

“National Parks: economic and social purpose

- In section 5(1) of the National Parks and Access to the Countryside Act 1949 –
- (a) in paragraph (a), omit the final “and”;
 - (b) at the end insert “and
 - (c) of promoting the socio-economic wellbeing of communities and businesses.””

Member’s explanatory statement

This amendment would place businesses and communities located in National Parks on a more viable footing by bringing the third statutory purpose into legislation, ensuring sustainable development.

291 Insert the following new Clause—

“Areas of outstanding natural beauty: economic and social purpose

- (1) Section 87 of the Countryside and Rights of Way Act 2000 is amended as follows.
- (2) In subsection (1)—
 - (a) in paragraph (a), omit the final “and”;
 - (b) in paragraph (b), at the end insert “and
 - (c) the purpose of promoting the economic and social well-being of local communities and businesses in areas of outstanding natural beauty,”.
- (3) In subsection (2), omit the words from “seek to foster” to “for that purpose”.

Member’s explanatory statement

This amendment would place businesses and communities located in AONBs on a more viable footing by bringing in an additional statutory purpose into legislation, ensuring sustainable development.

BARONESS BENNETT OF MANOR CASTLE
BARONESS BOYCOTT
BARONESS MEACHER
LORD HUNT OF KINGS HEATH

292 Insert the following new Clause—

“Environmental impact of nappy waste

- (1) The relevant national authority must by regulations establish schemes to reduce the impact of nappies on the environment by—
 - (a) defining the characteristics required for a nappy to meet environmental standards;
 - (b) promoting nappies which meet environmental standards; and
 - (c) reporting on the steps taken to encourage local authorities to promote reusable nappies and reduce nappy waste.
- (2) The relevant national authority must by regulations establish environmental standards for nappies.
- (3) The standards in subsection (2) must define the characteristics required for a nappy to be traded, advertised or promoted as—
 - (a) “reusable”;
 - (b) “biodegradable”;
 - (c) “eco-friendly”;
 - (d) “environmentally friendly”; and
 - (e) other such similar terms as may be defined in the standards.
- (4) The regulations in subsection (2) may provide for nappies or the packaging in which they are contained to bear a mark signifying that they meet the environmental standards.
- (5) The trading, advertising or promotion of a nappy is an unfair commercial practice for the purposes of the Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277) if—

After Clause 133 - continued

- (a) that nappy is described using a term used in subsection (2)(a) to (d) or a similar term defined in regulations under subsection (1) but does not meet the relevant standards, or
 - (b) that nappy or its packaging bears the mark in subsection (3) but does not meet the relevant standards.
- (6) The relevant national authority must by regulations establish a scheme to promote nappies that meet the environmental standards in subsection (2).
- (7) The scheme under subsection (6) must be a collaboration between public bodies and the nappy industry.
- (8) The Secretary of State may by regulations make provision for a levy to be paid by persons who manufacture or trade in nappies for the purpose of meeting the operating expenses of the scheme of subsection (6).
- (9) The scheme under subsection (6) must provide public information on—
- (a) the effects of disposable nappies on the environment;
 - (b) the financial advantages of reusable nappies for families and local authorities; and
 - (c) other advantages of nappies that meet the standards in subsection (2).
- (10) The relevant national authority must prepare a report on steps that will be taken to encourage local authorities to operate schemes to—
- (a) promote the use of reusable nappies, and
 - (b) reduce nappy waste.
- (11) In preparing that report, the relevant national authority must consult—
- (a) operators of existing reusable nappy schemes,
 - (b) local authorities involved in those schemes,
 - (c) parents who have participated in such schemes,
 - (d) manufacturers of reusable nappies.
- (12) The report must be laid—
- (a) in relation to England, before Parliament;
 - (b) in relation to Wales, in Senedd Cymru;
 - (c) in relation to Scotland, in the Scottish Parliament; and
 - (d) in relation to Northern Ireland, in the Northern Ireland Assembly; or in Parliament;
- within six months of this section coming into force.”

BARONESS YOUNG OF OLD SCONE
THE EARL OF CAITHNESS

293

Insert the following new Clause—

“Land use strategy for England

- (1) The Secretary of State must, no later than 31 March 2023, lay an agricultural land use strategy for England before Parliament.
- (2) The strategy must set out—
 - (a) the Secretary of State’s objectives in relation to integrated land use within a sustainable land use framework;

After Clause 133 - continued

- (b) proposals and policies for meeting those objectives;
 - (c) the timescales over which those proposals and policies are expected to take effect.
- (3) The objectives, proposals and policies referred to in subsection (2) must contribute to—
- (a) achievement of multifunctional land use, balancing the range of needs for land, including agriculture and food production;
 - (b) achievement of objectives in relation to mitigation and adaptation to climate change, including achieving carbon budgets under Part 1 of the Climate Change Act 2008;
 - (c) sustainable development, including the use of land for development and infrastructure;
 - (d) the achievement of objectives of the 25 Year Environment Plan for halting the decline of biodiversity.
- (4) Before laying the strategy before Parliament, the Secretary of State must publish a draft strategy and consult with—
- (a) such bodies as he or she considers appropriate, and
 - (b) the general public.
- (5) The Secretary of State must, no later than 5 years after laying a strategy before Parliament under subsection (1), and at the end of every subsequent period of 5 years, lay a revised strategy before Parliament under the terms set out in subsections (2) to (4).
- (6) The Secretary of State must, no later than 3 years after the laying of a strategy before Parliament under this section and at three year intervals thereafter, lay before Parliament a report on the implementation of the strategy and progress in achieving the objectives, proposals and policies under subsection (2).”

Member’s explanatory statement

This new Clause would provide a land use context to enable the Secretary of State to make optimal decisions about the balance of land use to achieve the targets, plans and policies for improving the natural environment.

LORD BROWNE OF LADYTON
 BARONESS PARMINTER
 THE EARL OF SHREWSBURY
 BARONESS JONES OF WHITCHURCH

293A Insert the following new Clause—

“Prohibition of the use of toxic lead ammunition in killing of wild birds and wild animals

- (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—

After Clause 133 - continued

“(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.

LORD RANDALL OF UXBRIDGE

LORD TEVERSON

BARONESS JONES OF WHITCHURCH

293B

Insert the following new Clause –

“Global footprint target

- (1) The Secretary of State must by regulations set a target to significantly reduce global footprint as soon as reasonably practicable and no later than 2030.
- (2) “Global footprint” means the environmental impact of –
 - (a) goods produced or consumed, and
 - (b) services received,
 in England, wherever the environmental impact occurs.
- (3) The target in subsection (1) is to be known as the global footprint target.
- (4) It is the duty of the Secretary of State to ensure that the global footprint target is met.
- (5) A draft statutory instrument containing regulations that make provision as to how progress toward the global footprint target will be measured must be laid before Parliament at least 3 months after the conclusion of the fifteenth Conference of the Parties to the Convention on Biological Diversity done at Rio de Janeiro on 15 June 1992, to be held in Kunming.
- (6) Before laying before Parliament a draft of a statutory instrument containing regulations under this section, the Secretary of State must obtain, publish and take into account the advice of relevant experts, including the Joint Nature Conservation Committee.
- (7) Regulations under this section are subject to the affirmative procedure.
- (8) The environmental impacts specified in subsection (2) include the impact of –
 - (a) the transportation of the goods, and
 - (b) processing the goods.”

Member’s explanatory statement

The amendment would require the Secretary of State to set a target to significantly reduce the global footprint as soon as reasonably practicable and no later than 2030.

BARONESS JONES OF WHITCHURCH
LORD KERSLAKE

293C Insert the following new Clause –

“Readiness of local authorities to deliver schemes enabled under this Act

- (1) Within three months of the day on which this Act is passed, the Secretary of State must undertake a review of the readiness of local authorities to deliver environmental schemes established or otherwise enabled under this Act.
- (2) The review under subsection (1) must include an assessment of the extent to which the current financial and staffing resource of local authorities is consistent with that required for such bodies to fulfil additional obligations as they arise.
- (3) If the review determines that current resourcing for local authorities is insufficient for them to meet relevant obligations, the Secretary of State must, as soon as practicable, make a statement confirming –
 - (a) whether central government funding for local authorities will be increased accordingly, or
 - (b) what mechanisms Her Majesty’s Government proposes to establish to enable local authorities to recover any additional costs.
- (4) The Secretary of State must lay before Parliament and publish –
 - (a) the review under subsection (1), and
 - (b) any statement under subsection (3).”

Member’s explanatory statement

This new Clause is intended to explore the extent to which local authorities are financially and otherwise prepared to deliver new schemes and responsibilities established under this legislation.

BARONESS BENNETT OF MANOR CASTLE
BARONESS BOYCOTT
BARONESS WHITAKER

293D Insert the following new Clause –

“Ecocide

- (1) A person who commits ecocide is guilty of an offence.
- (2) “Ecocide” means unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts.
- (3) In subsection (2) –
 - “act” includes a failure to act;
 - “environment” means the earth, its biosphere, cryosphere, lithosphere, hydrosphere and atmosphere;
 - “long-term” means damage which is irreversible or which cannot be redressed through natural recovery within a reasonable period of time;
 - “severe” means damage which involves very serious adverse changes, disruption or harm to any element of the environment, including grave impacts on human life or natural, cultural or economic resources;

After Clause 133 - continued

“wanton” means with reckless disregard for damage which would be clearly excessive in relation to the social and economic benefits anticipated;

“widespread” means damage which extends beyond a limited geographic area, crosses state boundaries, or is suffered by an entire ecosystem or species or a large number of human beings.

- (4) Where an offence under this section has been committed by a body corporate, and it is proved to have been committed with the consent or connivance of or to be attributable to neglect on the part of –
- (a) a director, manager, secretary or similar officer of the body corporate, or
 - (b) a person who was purporting to act in such a capacity,
- the director, manager, secretary, officer or person, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.
- (5) The offence under this section is triable only on indictment.
- (6) A person convicted of an offence is liable to imprisonment for a term not exceeding 30 years.”

Schedule 20

LORD WHITTY

293E

Page 247, line 19, at end insert –

- “(1A) Regulations made under this paragraph must not reduce the protections or standards of any Article or Annex of the REACH Regulation.
- (1B) Subject to sub-paragraph (1A), the Secretary of State may by regulations seek to maintain or exceed regulatory parity with any new or amended regulations of the European Parliament and of the Council concerning the regulation of chemicals.
- (1C) The Secretary of State must prepare an annual report explaining each decision not to align with new EU restrictions and authorisations on chemicals, and Candidate List Substances of Very High Concern.
- (1D) The annual report must include an assessment of the environmental, economic and public health impact of any such decisions.
- (1E) An annual report must be laid before Parliament before the end of the 3 month period beginning immediately after the last day of the period to which the report relates.
- (1F) The Secretary of State must publish annual reports laid before Parliament under this section.”

Member’s explanatory statement

This amendment would remove the possibility that a Secretary of State might lower standards that are in place currently while enabling them to easily meet or exceed new EU chemical protections and standards. It would also place an obligation on the Government to transparently justify any decision to deviate from EU control on chemicals.

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

294 Page 250, line 6, at end insert –

“Article 13 (general requirements for generation of information on intrinsic properties of substances)”

Member’s explanatory statement

This amendment is intended to ensure that the Government has the power to ensure that animal testing requirements reflect evolving scientific consensus and thereby promote animal welfare.

295 Page 250, line 7, at end insert –

“Article 26 (duty to inquire prior to registration)

Article 27 (sharing of existing data in the case of registered substances)

Article 30 (sharing of information involving tests)”

Member’s explanatory statement

This amendment is intended to ensure that the Government has the power to ensure that animal testing requirements reflect evolving scientific consensus and thereby promote animal welfare.

296 Page 250, line 8, at end insert –

“Article 40(2) (third party information)”

Member’s explanatory statement

This amendment is intended to ensure that the Government has the power to ensure that animal testing requirements reflect evolving scientific consensus and thereby promote animal welfare.

297 Page 250, line 33, after “Annexes” insert “save insofar as they contain endpoints for tests using animals”

Member’s explanatory statement

This amendment is intended to ensure that the Government has the power to ensure that animal testing requirements reflect evolving scientific consensus and thereby promote animal welfare.

Clause 135

BARONESS NEVILLE-ROLFE
VISCOUNT RIDLEY
BARONESS NOAKES

297A Page 123, line 5, at end insert –

“(10) Except for regulations under this section, regulations under this Act expire after the period of five years beginning with the day on which this Act is passed.

(11) The Secretary of State may by regulations substitute a later date for the purposes of subsection (10).

Clause 135 - continued

- (12) Regulations under this section may make different provision for different purposes or areas.
- (13) Before exercising the power under subsection (11), the Secretary of State must review the effectiveness of the regulations to which the power relates and conduct an assessment of the costs of the policy or provision relative to the benefits, having regard to a broad range of factors, including –
- (a) effect on economic growth;
 - (b) costs to industry, in particular small and medium-sized businesses;
 - (c) social impact.
- (14) Regulations under subsection (11) are subject to the affirmative procedure.”

Member’s explanatory statement

This amendment sets a sunset provision after five years for regulations made under the Bill, including those relating to targets. If the Government wishes to renew regulations, it must conduct a cost-benefit analysis first.

Clause 136

LORD BERKELEY

Lord Berkeley gives notice of his intention to oppose the Question that Clause 136 stand part of the Bill.

Clause 138

LORD GOLDSMITH OF RICHMOND PARK

298 Page 123, leave out line 20 and insert “sections 16 to 19 ”

Member’s explanatory statement

This is consequential on Lord Goldsmith’s amendment to Clause 138, page 123, line 22.

299 Page 123, line 22, at end insert –

“(ab) sections 16 to 18 (policy statement on environmental principles) extend to England and Wales and Scotland;”

Member’s explanatory statement

See Lord Goldsmith’s amendment to Clause 18, page 11, line 26.

299A Page 124, line 32, after “that” insert –

“(a) the amendments made by Schedule (*Biodiversity gain in nationally significant infrastructure projects*) (*biodiversity gain in nationally significant infrastructure projects*) have the same extent as the provisions amended, and

(b) ”

Member's explanatory statement

This amendment makes provision for the extent, as a matter of law, of Lord Goldsmith's proposed new Schedule relating to biodiversity gain (which applies only in relation to development in England and the English marine area).

Clause 139

LORD GOLDSMITH OF RICHMOND PARK

300

Page 125, line 16, at end insert—

“(ia) section (*storm overflows*) (storm overflows),”***Member's explanatory statement***

This amendment provides for the new Clause relating to storm overflows to come into force two months after Royal Assent.

Environment Bill

REVISED
EIGHTH
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

12 July 2021
