



Environment Act 2021

2021 CHAPTER 30

PART 8

MISCELLANEOUS AND GENERAL PROVISIONS

General provisions

147 Commencement

- (1) The following provisions of this Act come into force on the day on which this Act is passed—
 - (a) section 63 (procedure for regulations under the Environmental Protection Act 1990);
 - (b) this Part of this Act (miscellaneous and general provisions), except section 140 and Schedule 21 so far as relating to powers of a Northern Ireland department to make regulations under paragraph 2 of that Schedule.
- (2) The following provisions of this Act come into force at the end of the period of 2 months beginning with the day on which this Act is passed—
 - (a) section 51 and Schedule 5 (producer responsibility for disposal costs) so far as relating to England and Wales and Scotland;
 - (b) section 52 and Schedule 6 (resource efficiency information) so far as relating to England and Wales and Scotland;
 - (c) section 53 and Schedule 7 (resource efficiency requirements) so far as relating to England and Wales and Scotland;
 - (d) section 54 and Schedule 8 (deposit schemes) so far as relating to England and Wales;
 - (e) section 55 and Schedule 9 (charges for single use items) so far as relating to England and Wales;
 - (f) section 56 (carrier bag charge) so far as relating to England and Wales;
 - (g) section 58 (electronic waste tracking);
 - (h) section 66 and Schedule 10 (enforcement powers);

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- (i) section 70 (regulation of polluting activities);
 - (j) section 80 (storm overflows) and section 84 (report on elimination of discharges from storm overflows);
 - (k) section 88 (water abstraction in England);
 - (l) section 89 (water quality), except so far as relating to legislation within section 89(2)(d) to (f) and any regulations modifying that legislation made under or by virtue of the European Union (Withdrawal) Act 2018;
 - (m) sections 90, 92 and 93 (water quality);
 - (n) section 97 (disclosure of HMRC information).
- (3) The following provisions of this Act come into force on such day as the Secretary of State may by regulations appoint —
- (a) Part 1 (environmental governance);
 - (b) section 50 and Schedule 4 (producer responsibility obligations), so far as relating to England;
 - (c) section 57 (separate collection of waste);
 - (d) section 60 (hazardous waste), so far as relating to England;
 - (e) section 62 (transfrontier shipments of waste);
 - (f) section 64 (charging powers), so far as relating to the Environment Agency;
 - (g) section 68 (littering enforcement), so far as relating to England;
 - (h) in section 69 (fixed penalty notices), subsections (2) and (4) and subsection (1) so far as relating to those subsections;
 - (i) section 72 and Schedule 11 (local air quality management framework);
 - (j) Parts 1 and 3 of Schedule 12 (smoke control areas) and section 73 so far as relating to those Parts;
 - (k) sections 74 to 77 (recall of motor vehicles);
 - (l) sections 78 and 79 (water management plans etc), so far as relating to undertakers whose areas are wholly or mainly in England;
 - (m) sections 81 and 82 (reporting and monitoring duties relating to discharges from storm overflows etc);
 - (n) section 83 (reduction of adverse impacts of storm overflows);
 - (o) sections 85 and 87 (amendments to Water Industry Act 1991), so far as relating to undertakers whose areas are wholly or mainly in England and licensees using the systems of such undertakers;
 - (p) section 86 and Schedule 13 (appointment of water and sewerage undertakers in England);
 - (q) section 94 (valuation of other land in drainage districts: England);
 - (r) section 96 (valuation of agricultural land in drainage districts), so far as relating to internal drainage districts which are wholly or mainly in England;
 - (s) Part 6 (nature and biodiversity);
 - (t) Part 7 (conservation covenants).
- (4) The following provisions of this Act come into force on such day as the Welsh Ministers may by regulations appoint—
- (a) section 50 and Schedule 4 (producer responsibility obligations), so far as relating to Wales;
 - (b) section 60 (hazardous waste), so far as relating to Wales;
 - (c) section 64 (charging powers), so far as relating to the Natural Resources Body for Wales;

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- (d) section 68 (littering enforcement), so far as relating to Wales;
 - (e) in section 69 (fixed penalty notices), subsections (3) and (5) and subsection (1) so far as relating to those subsections;
 - (f) Part 2 of Schedule 12 (smoke control areas) and section 73 so far as relating to that Part;
 - (g) sections 78 and 79 (water management plans etc), so far as relating to undertakers whose areas are wholly or mainly in Wales;
 - (h) sections 85 and 87 (amendments to Water Industry Act 1991), so far as relating to undertakers whose areas are wholly or mainly in Wales and licensees using the systems of such undertakers;
 - (i) section 95 (valuation of other land in drainage districts: Wales);
 - (j) section 96 (valuation of agricultural land in drainage districts), so far as relating to internal drainage districts which are wholly or mainly in Wales.
- (5) The following provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint—
- (a) section 50 and Schedule 4 (producer responsibility obligations), so far as relating to Scotland;
 - (b) section 64 (charging powers), so far as relating to the Scottish Environment Protection Agency.
- (6) The following provisions of this Act come into force on such day as the Department of Agriculture, Environment and Rural Affairs in Northern Ireland may by order appoint—
- (a) Part 2 (environmental governance: Northern Ireland);
 - (b) section 50 and Schedule 4 (producer responsibility obligations), so far as relating to Northern Ireland;
 - (c) section 51 and Schedule 5 (producer responsibility for disposal costs) so far as relating to Northern Ireland;
 - (d) section 52 and Schedule 6 (resource efficiency information) so far as relating to Northern Ireland;
 - (e) section 53 and Schedule 7 (resource efficiency requirements) so far as relating to Northern Ireland;
 - (f) section 54 and Schedule 8 (deposit schemes) so far as relating to Northern Ireland;
 - (g) section 55 and Schedule 9 (charges for single use items), so far as relating to Northern Ireland;
 - (h) section 56 (carrier bag charge) so far as relating to Northern Ireland;
 - (i) section 59 (electronic waste tracking: Northern Ireland);
 - (j) section 61 (hazardous waste: Northern Ireland);
 - (k) section 65 (waste charging: Northern Ireland);
 - (l) section 67 (enforcement powers: Northern Ireland);
 - (m) section 71 (waste regulation: amendment of Northern Ireland Order);
 - (n) section 89 (water quality: powers of Secretary of State), so far as relating to legislation within section 89(2)(d) to (f) and any regulations modifying that legislation made under or by virtue of the European Union (Withdrawal) Act 2018;
 - (o) section 91 (water quality: powers of Northern Ireland Department);

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- (p) section 140 and Schedule 21 (amendment of REACH legislation) so far as relating to powers of a Northern Ireland department to make regulations under paragraph 2 of that Schedule.
- (7) An order under subsection (6) may not appoint a day for the coming into force of the following provisions of Schedule 3 (OEP's Northern Ireland functions), unless the Secretary of State consents—
 - (a) paragraphs 16 and 17(7);
 - (b) Part 2.
- (8) The power to make an order under subsection (6) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (9) An order under subsection (6) may not be made unless a draft of the order has been laid before and approved by a resolution of the Northern Ireland Assembly.
- (10) A power to make regulations or an order under this section includes power to appoint different days for different purposes or areas.