



Environment (Air Quality and Soundscapes) (Wales) Act 2024

2024 asc 2

PART 1

AIR QUALITY

PROSPECTIVE

CHAPTER 2

OTHER PROVISION

Promoting awareness

10 Promoting awareness about air pollution

The Welsh Ministers must take steps to promote awareness in Wales of—

- (a) the risks to human health and the natural environment caused by air pollution, and
- (b) ways of reducing or limiting air pollution.

Commencement Information

- II** S. 10 in force at 14.4.2024, see [s. 30\(2\)\(d\)](#)

Status: This version of this chapter contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Environment (Air Quality and Soundscapes) (Wales) Act 2024, CHAPTER 2. (See end of Document for details)

Promoting active travel

11 Promoting active travel as a way of reducing or limiting air pollution

After section 10 of the [Active Travel \(Wales\) Act 2013 \(anaw 7\)](#) (duty to exercise functions under the Act to promote active travel) insert—

“10A Promotion by Welsh Ministers of active travel as a way of reducing or limiting air pollution

- (1) The Welsh Ministers must take steps to promote active travel as a way of reducing or limiting air pollution in Wales.
- (2) The Welsh Ministers must publish a statement about the steps they propose to take in the performance of their duty under subsection (1).
- (3) The Welsh Ministers must—
 - (a) publish the statement as soon as possible after the coming into force of this section, and
 - (b) keep the statement under review.
- (4) The Welsh Ministers may revise the statement at any time, and if they do so they must publish the statement in its revised form.
- (5) The Welsh Ministers must publish a report as soon as reasonably practicable after the end of each reporting period specifying what steps they have taken during that period in the performance of their duty under subsection (1).
- (6) In subsection (5), “reporting period” means—
 - (a) the period of 3 years beginning with the day on which this section comes into force, and
 - (b) each subsequent period of 3 years.
- (7) Subsection (5) does not prevent the Welsh Ministers from publishing additional reports specifying steps they have taken in the performance of their duty under subsection (1).

10B Promotion by local and other authorities of active travel as a way of reducing or limiting air pollution

- (1) Local authorities must take steps to promote active travel as a way of reducing or limiting air pollution in their areas.
- (2) Where a local authority submits an integrated network map to the Welsh Ministers for approval under section 4(9)(c), it must also publish a report specifying what steps it has taken in the performance of its duty under subsection (1) during—
 - (a) in the case of the first report required by this subsection, the period beginning with the coming into force of subsection (1) and ending with the submission of the map, and
 - (b) in the case of each subsequent report, the period since it last published a report under this subsection.
- (3) The Welsh Ministers may by regulations made by statutory instrument—

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- (a) impose a duty on any public authority specified in the regulations to take steps to promote active travel as a way of reducing or limiting air pollution, and
 - (b) require the authority to publish reports, in respect of periods specified in the regulations, about the steps it has taken in the performance of its duty.
- (4) Regulations under subsection (3) may specify a public authority only if the authority is a “devolved Welsh authority” within the meaning of section 157A(1)(a) of the Government of Wales Act 2006 (c. 32).
- (5) Before specifying a public authority in regulations under subsection (3), the Welsh Ministers must consult the authority about the proposal.
- (6) The power to make regulations under subsection (3) includes power to make transitional or saving provision.
- (7) A statutory instrument containing regulations made under subsection (3) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, Senedd Cymru.

10C Guidance to authorities about their functions under section 10B

- (1) The Welsh Ministers must give guidance to local authorities about the authorities’ performance of their duties under section 10B.
- (2) The Welsh Ministers must also give guidance to any public authority specified in regulations made under section 10B(3) about the authority’s performance of its duties under the regulations.
- (3) Before giving or revising guidance under this section, the Welsh Ministers must consult—
 - (a) the authority or authorities to which the guidance relates, and
 - (b) any other persons the Welsh Ministers consider appropriate.
- (4) An authority given guidance under this section must have regard to it in performing its duties under section 10B or, as the case may be, regulations made under that section.”

Commencement Information

I2 S. 11 not in force at Royal Assent, see **s. 30(3)**

National air quality strategy

12 Power to change review period for strategy

- (1) In section 80 of the Environment Act 1995 (c. 25) (national air quality strategy), after subsection (7) insert—
 - “(8) The Welsh Ministers may by regulations amend this section for the purpose of changing the period within which they must review the strategy.”

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(2) In section 87 of that Act (regulations for the purposes of Part 4), after subsection (9) insert—

“(9A) A statutory instrument containing regulations under section 80(8) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, Senedd Cymru.”

Commencement Information

I3 S. 12 in force at 14.4.2024, see [s. 30\(2\)\(d\)](#)

13 Consultation on review of strategy

After section 80(8) of the Environment Act 1995 ([c. 25](#)) (as inserted by section 12) insert—

“(9) Subsections (6) and (7) do not apply in relation to the Welsh Ministers.

(10) In reviewing the strategy, the Welsh Ministers must consult—

- (a) the Natural Resources Body for Wales;
- (b) every local authority in Wales;
- (c) every Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;
- (d) every National Health Service trust established under section 18 of the National Health Service (Wales) Act 2006;
- (e) every public services board (within the meaning of Part 4 of the Well-being of Future Generations (Wales) Act 2015);
- (f) the Future Generations Commissioner for Wales;
- (g) Transport for Wales; and
- (h) the public.”

Commencement Information

I4 S. 13 in force at 14.4.2024, see [s. 30\(2\)\(d\)](#)

14 Duty to have regard to strategy

(1) After section 81A of the Environment Act 1995 ([c.25](#)) insert—

“81B Functions of relevant Welsh public authorities etc.

(1) The following persons must have regard to the policies published by the Welsh Ministers in the strategy when exercising any function of a public nature that could affect the quality of air in Wales—

- (a) local authorities in Wales;
- (b) relevant Welsh public authorities.

(2) In this Part, “relevant Welsh public authority” means a person designated in accordance with subsection (3) as a relevant Welsh public authority.

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- (3) The Welsh Ministers may by regulations designate a person as a relevant Welsh public authority if (and only if) that person is a “devolved Welsh authority” within the meaning of section 157A(1)(a) of the Government of Wales Act 2006.
- (4) Before making regulations under subsection (3), the Welsh Ministers must consult—
- (a) the person that is proposed to be designated, and
 - (b) such other persons as the Welsh Ministers consider appropriate.”
- (2) In section 87 of that Act (regulations for the purposes of Part 4), in subsection (2)—
- (a) in paragraph (c), after “relevant public authorities” insert “, relevant Welsh public authorities”;
 - (b) in paragraph (j), after “relevant public authorities,” insert “relevant Welsh public authorities,”;
 - (c) in paragraph (l), after “relevant public authorities” insert “, relevant Welsh public authorities”;
 - (d) in paragraph (m), after “a relevant public authority” insert “, a relevant Welsh public authority”.
- (3) In section 88 of that Act (guidance for the purposes of Part 4)—
- (a) in subsection (3)—
 - (i) for “This section” substitute “Subsections (1) and (2)”;
 - (ii) for “it applies” substitute “they apply”;
 - (b) after subsection (3) insert—

“(4) The Welsh Ministers may issue guidance to relevant Welsh public authorities with respect to, or in connection with, the exercise of any of the powers conferred, or the discharge of any of the duties imposed, on those authorities by section 81B or regulations made by the Welsh Ministers under this Part.

(5) A relevant Welsh public authority, in exercising those powers and discharging those duties, must have regard to any guidance issued under subsection (4).”
- (4) In section 91 of that Act (interpretation of Part 4), in subsection (1), after the entry for “relevant public authority” insert—
- ““relevant Welsh public authority” has the meaning given by section 81B(2);”.

Commencement Information

15 S. 14 in force at 14.4.2024, see [s. 30\(2\)\(d\)](#)

Air quality regulations

15 Consultation on air quality regulations

In section 87 of the Environment Act 1995 ([c. 25](#)) (regulations for the purposes of Part 4), after subsection (7) insert—

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“(7A) Subsection (7) does not apply in relation to the Welsh Ministers.

(7B) Before making any regulations under this Part, the Welsh Ministers must consult—

- (a) the Natural Resources Body for Wales;
- (b) every local authority in Wales;
- (c) the Public Health Wales National Health Service Trust;
- (d) every Local Health Board established under section 11 of the National Health Service (Wales) Act 2006; and
- (e) the public.”

Commencement Information

I6 S. 15 in force at 14.4.2024, see [s. 30\(2\)\(e\)](#)

Local air quality management

16 Local authority air quality reviews

(1) Section 82 of the Environment Act [1995 \(c. 25\)](#) (local authority reviews) is amended as follows.

(2) In subsection (1), after “local authority” insert “, other than a local authority in Wales,”.

(3) After subsection (1) insert—

“(1A) Every local authority in Wales must, in each calendar year, cause a review to be conducted of the quality for the time being, and the likely future quality within the relevant period, of air within the authority’s area.”

(4) In subsection (2), after “subsection (1)” insert “or (1A)”.

Commencement Information

I7 S. 16 not in force at Royal Assent, see [s. 30\(3\)](#)

17 Action plans in relation to air quality management areas

(1) After section 83A of the Environment Act [1995 \(c. 25\)](#) insert—

“83B Duties of Welsh local authorities in relation to designated areas

(1) This section applies in relation to a local authority in Wales.

(2) A local authority must, for the purpose of securing that air quality standards and objectives are achieved in an air quality management area designated by the authority—

- (a) prepare an action plan in relation to that area, and
- (b) send a copy of the action plan to the Welsh Ministers for approval.

(3) An action plan is a written plan that—

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- (a) sets out how the local authority will exercise its functions to secure that air quality standards and objectives are achieved in the area to which the plan relates, and
 - (b) in relation to each standard and objective, specifies a date by which the local authority will aim to achieve the standard or objective.
- (4) An action plan must also set out how the local authority will exercise its functions to secure that air quality standards and objectives are maintained after they have been achieved in the area to which the plan relates.
- (5) An action plan must—
- (a) set out particular measures the local authority will take to secure the achievement and maintenance of air quality standards and objectives in the area to which the plan relates, and
 - (b) in relation to each measure, specify a date by which it will be carried out.
- (6) A local authority—
- (a) may prepare revisions to an action plan at any time, and
 - (b) must prepare revisions to an action plan if it considers that there is a need for further or different measures to be taken to secure that air quality standards and objectives are achieved by the dates specified under subsection (3)(b), and are maintained, in the area to which the plan relates.
- (7) A local authority must send copies of revisions prepared under subsection (6) to the Welsh Ministers for approval.
- (8) An action plan, or a revision to an action plan, does not take effect unless the plan or revision is approved (with or without modifications) by the Welsh Ministers.”
- (2) In section 84 of that Act—
- (a) in subsection (1A), omit “or Wales”;
 - (b) in the heading, omit “and Welsh”.
- (3) In section 91 of that Act, in the definition of “action plan” in subsection (1), after paragraph (a) insert—
- “(aa) in relation to Wales, in accordance with section 83B;”.

Commencement Information

I8 S. 17 not in force at Royal Assent, see [s. 30\(3\)](#)

18 Welsh Ministers’ powers of direction

In section 85 of the Environment Act 1995 ([c. 25](#)) (reserve powers of the Welsh Ministers), in subsection (3)—

- (a) omit the “or” after paragraph (c);
- (b) after paragraph (d) insert—

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- “(e) that a local authority in Wales has failed to carry out a measure specified in an action plan by the date specified in the plan in relation to that measure, or
- (f) that an air quality standard or objective has not been achieved, within a designated area in Wales, by the date specified in the action plan for the area as the date by which the standard or objective is expected to be achieved.”.

Commencement Information

19 S. 18 not in force at Royal Assent, see [s. 30\(3\)](#)

Smoke control

19 Regulation of smoke and fuel in smoke control areas

- (1) The Clean Air Act 1993 (c. 11) is amended as follows.
- (2) After section 19D (interpretation of terms for the purposes of section 19B) insert—

“Regulation of smoke and fuel in smoke control areas in Wales

19E Penalty for emission of smoke in smoke control area in Wales

Schedule 1A makes provision for financial penalties in relation to the emission of smoke in smoke control areas in Wales.

19F Acquisition and sale of unauthorised fuel: Wales

- (1) Any person who—
 - (a) acquires any solid fuel for use in a building to which a smoke control order in Wales applies;
 - (b) acquires any solid fuel for use in a fireplace to which a smoke control order in Wales applies;
 - (c) acquires any solid fuel for use in any fixed boiler or industrial plant to which a smoke control order in Wales applies; or
 - (d) sells by retail any solid fuel in Wales for delivery by that person, or on that person’s behalf, to—
 - (i) a building to which a smoke control order in Wales applies; or
 - (ii) premises in which there is any fixed boiler or industrial plant to which such an order applies,
 is guilty of an offence.
- (2) In subsection (1), “solid fuel” means any solid fuel other than an authorised fuel.
- (3) Subsection (1)(b) does not apply in relation to a fireplace that is an exempt fireplace at the time of the acquisition.

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- (4) Subsection (1) is subject to any regulations under section 19H(1)(b) (exemptions by regulations for whole or part of smoke control area).
- (5) In proceedings for an offence under subsection (1)(d), it is a defence for the person accused to prove that the person believed and had reasonable grounds for believing—
 - (a) that the building referred to in sub-paragraph (i) of that subsection was not one to which the smoke control order in question applied, or
 - (b) that the fuel was acquired for use in—
 - (i) a fireplace that was, at the time of the delivery, an exempt fireplace, or
 - (ii) a boiler or plant to which the smoke control order did not apply.
- (6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

19G Section 19F: interpretation

- (1) In section 19F, “exempt fireplace” means a fireplace of a type specified in a list published by the Welsh Ministers.
- (2) The Welsh Ministers may only specify a type of fireplace in the list if satisfied that such a fireplace can, if used in compliance with any conditions specified in the list, be used for burning solid fuels other than authorised fuels without producing any smoke or a substantial quantity of smoke.
- (3) In section 19F and this section, “authorised fuel” means a solid fuel included in a list of authorised fuels published by the Welsh Ministers.

19H Exemptions relating to particular areas in Wales

- (1) The Welsh Ministers may, if it appears to them to be necessary or expedient to do so, by regulations suspend or relax the operation of—
 - (a) Schedule 1A (penalty for emission of smoke), or
 - (b) section 19F(1) (offences relating to acquisition and sale of fuel),
 in relation to the whole or any part of a smoke control area in Wales.
- (2) Before making regulations under subsection (1), the Welsh Ministers must consult the local authority that declared the smoke control area in question unless satisfied that on account of urgency such consultation is impracticable.
- (3) As soon as practicable after the making of such regulations, the local authority must take such steps as appear to them suitable for bringing the effect of the regulations to the notice of persons affected by the regulations.”

Commencement Information

I10 S. 19 not in force at Royal Assent, see [s. 30\(3\)](#)

Status: This version of this chapter contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Environment (Air Quality and Soundscapes) (Wales) Act 2024, CHAPTER 2. (See end of Document for details)

20 Guidance for local authorities in relation to smoke control areas

After section 28A of the Clean Air Act 1993 (c. 11) insert—

“28B Guidance for local authorities in Wales

A local authority in Wales must have regard to any guidance published by the Welsh Ministers about the exercise of the authority’s functions under this Part.”

Commencement Information

I11 S. 20 not in force at Royal Assent, see s. 30(3)

21 Further provision relating to smoke control

Schedule 1 makes further provision relating to smoke control.

Commencement Information

I12 S. 21 not in force at Royal Assent, see s. 30(3)

Vehicle emissions

22 Trunk road charging schemes

(1) The Transport Act 2000 (c. 38) is amended as follows.

(2) In section 167 (trunk road charging schemes)—

- (a) in subsection (2), in the opening words, after “road charging scheme” insert “under subsection (1)(a)”;
- (b) after subsection (2) insert—

“(3) A trunk road charging scheme under subsection (1)(b) may only be made in respect of a road if—

- (a) the road is carried by a bridge, or passes through a tunnel, of at least 600 metres in length,
- (b) the scheme is made for the purpose of reducing or limiting air pollution in the vicinity of the road (which may comprise or include a length of road of the kind described in paragraph (a)), or
- (c) a local traffic authority have requested the charging authority to make the scheme in connection with a charging scheme under this Part made or proposed by them.

(4) Subsection (3)(b) does not prevent a scheme made by virtue of subsection (3)(c) from being made for the purpose of reducing or limiting air pollution.”

(3) In section 170 (charging schemes: consultation and inquiries), in subsection (7)(a), after “section 167(2)(b)” insert “or (3)(c)”.

Status: This version of this chapter contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Environment (Air Quality and Soundscapes) (Wales) Act 2024, CHAPTER 2. (See end of Document for details)

Commencement Information

I13 S. 22 in force at 14.4.2024, see [s. 30\(2\)\(f\)](#)

23 Further provision relating to trunk road charging schemes

Schedule 2 makes provision for and in connection with the application of the proceeds of trunk road charging schemes made for the purpose of reducing or limiting air pollution.

Commencement Information

I14 S. 23 in force at 14.4.2024, see [s. 30\(2\)\(f\)](#)

24 Stationary idling offence: fixed penalty

- (1) The Environment Act [1995 \(c.25\)](#) is amended as follows.
- (2) In section 87 (regulations for the purposes of air quality)—
 - (a) in subsection (2), in paragraph (o)—
 - (i) the words from “by payment of” to the end become sub-paragraph (i);
 - (ii) at the end of sub-paragraph (i) insert “, or
 - (ii) by payment of a penalty of an amount that falls within a prescribed range, where the prescribed offence is a stationary idling offence prescribed by the Welsh Ministers and such a range is prescribed;”;
 - (b) after subsection (2A) insert—

“(2B) In subsection (2)(o)(ii), “stationary idling offence means an offence under section 42 of the Road Traffic Act 1988 that consists of a contravention of, or failure to comply with, so much of regulation 98 of the Road Vehicle (Construction and Use) Regulations 1986 (stopping of engine when stationary) as relates to the prevention of exhaust emissions.”
- (3) In Schedule 11 (air quality: supplemental provision), in paragraph 5 (fixed penalty offences), in sub-paragraph (6)—
 - (a) in the definition of “fixed penalty”—
 - (i) the words from “a penalty of such amount” to the end become paragraph (a);
 - (ii) at the end of paragraph (a) insert “, or
 - (b) a penalty of such amount falling within a range prescribed in regulations as is specified in a fixed penalty notice;”;
 - (b) in the definition of “fixed penalty notice”, at the end insert “or an amount falling within a range prescribed in regulations”.

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Changes to legislation: There are currently no known outstanding effects for the Environment (Air Quality and Soundscapes) (Wales) Act 2024, CHAPTER 2. (See end of Document for details)

Commencement Information

I15 S. 24 in force at 14.4.2024, see [s. 30\(2\)\(g\)](#)

Status:

This version of this chapter contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Environment (Air Quality and Soundscapes) (Wales) Act 2024, CHAPTER 2.