



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

2024 asc 2

PROSPECTIVE

## PART 1

### AIR QUALITY

#### CHAPTER 1

##### NATIONAL TARGETS

#### **1 Air quality targets: general**

- (1) The Welsh Ministers may by regulations set long-term targets in respect of any matter relating to air quality in Wales.
- (2) The Welsh Ministers must exercise the power in subsection (1) so as to set a long-term target in respect of one of the following pollutants—
  - (a) ammonia;
  - (b) PM10;
  - (c) ground level ozone;
  - (d) nitrogen dioxide;
  - (e) carbon monoxide;
  - (f) sulphur dioxide.
- (3) A target set under this section must—
  - (a) specify a standard to be achieved, which must be capable of being objectively measured, and
  - (b) specify a date by which the standard is to be achieved.

*Status: This version of this part 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, PART 1. (See end of Document for details)*

- (4) Regulations under this section may make provision about how the matter in respect of which a target is set is to be measured.
- (5) Regulations under this section that set the target required under subsection (2) must specify that the target is set to comply with that subsection.
- (6) A target is a “long-term target” if the specified date is at least 10 years after the date on which the target is set.
- (7) A target under this section is set when the regulations setting it come into force.
- (8) In this Chapter—
  - (a) “PM10” means particulate matter with an aerodynamic diameter not exceeding 10 micrometres;
  - (b) “specified standard” and “specified date”, in relation to a target set under this section, mean the standard and date specified under subsection (3).

#### Commencement Information

**II** S. 1 in force at 14.4.2024, see [s. 30\(2\)\(a\)](#)

## 2 Air quality targets: particulate matter

- (1) The Welsh Ministers must by regulations set at least one target (a “PM2.5 air quality target”) in respect of the annual mean level of PM2.5 in ambient air in Wales.
- (2) A PM2.5 air quality target may be a long-term target but need not be so.
- (3) In this section, PM2.5 means particulate matter with an aerodynamic diameter not exceeding 2.5 micrometres.
- (4) The Welsh Ministers must ensure that “ambient air” is defined for the purposes of each PM2.5 air quality target (and regulations under this section may make different provision for different targets for the purposes of this subsection).
- (5) Section 1(3) to(4) and (6) to (8) applies to PM2.5 air quality targets and to regulations under this section as it applies to targets set under section 1 and to regulations under that section.
- (6) In this Chapter, a “PM2.5 air quality target” means a target set under this section.

#### Commencement Information

**I2** S. 2 in force at 14.4.2024, see [s. 30\(2\)\(a\)](#)

## 3 Target-setting process

- (1) Before making regulations under section 1 or 2, the Welsh Ministers must—
  - (a) seek advice from persons they consider to be independent and to have relevant expertise, and
  - (b) have regard to scientific knowledge on air pollution.

*Status: This version of this part 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, PART 1. (See end of Document for details)*

- (2) Before making regulations under section 1 or 2 which set or amend a target in respect of a particular pollutant, the Welsh Ministers must have regard to any guidelines for that pollutant published by the World Health Organisation in its most recent global air quality guidelines.
- (3) Before making regulations under section 1 or 2 which set or amend a target, the Welsh Ministers must be satisfied that the target or amended target can be met.
- (4) The Welsh Ministers may not make regulations under section 1 or 2 which revoke or lower a target (the “existing target”) unless they are satisfied that—
  - (a) meeting the existing target would have no significant benefit compared with not meeting it or with meeting a lower target, or
  - (b) because of changes in circumstances since the existing target was set or last amended, the environmental, social, economic or other costs of meeting it would be disproportionate to the benefits.
- (5) Before making regulations under section 1 or 2 which revoke or lower a target, the Welsh Ministers must lay before Senedd Cymru, and publish, a statement explaining why the Welsh Ministers are satisfied as mentioned in subsection (4).
- (6) Regulations lower a target if, to any extent, they—
  - (a) replace the specified standard with a lower standard, or
  - (b) replace the specified date with a later date.
- (7) Regulations under section 1 may not revoke the air quality target that has been set to comply with subsection (2) of that section (but may amend it in accordance with this section).
- (8) Regulations under section 2 may not revoke a PM2.5 air quality target (but may amend it in accordance with this section).
- (9) For the purposes of this Chapter, a target is met if the specified standard is achieved by the specified date.
- (10) The Welsh Ministers must lay a draft of a statutory instrument containing the regulations required by section 1(2) before Senedd Cymru before the end of the period of 6 years beginning with the date on which this Act receives Royal Assent.
- (11) The Welsh Ministers must lay a draft of a statutory instrument containing regulations setting a PM2.5 air quality target before Senedd Cymru before the end of the period of 3 years beginning with the date on which this Act receives Royal Assent.

#### Commencement Information

**I3** S. 3 in force at 14.4.2024, see [s. 30\(2\)\(a\)](#)

## 4 Effect of targets

- (1) The Welsh Ministers must ensure that—
  - (a) targets set under section 1 are met, and
  - (b) PM2.5 air quality targets are met.

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*Changes to legislation: There are currently no known outstanding effects for the Environment (Air Quality and Soundscapes) (Wales) Act 2024, PART 1. (See end of Document for details)*

- (2) Nothing in this Chapter, other than section 8, limits the Welsh Ministers' power under section 87 of the Environment Act 1995 (c. 25) (power to make regulations in relation to the assessment or management of air quality).

#### Commencement Information

**I4** S. 4 in force at 14.4.2024, see [s. 30\(2\)\(a\)](#)

## 5 Reporting on targets

- (1) Regulations under section 1 or 2 must specify a reporting date for any target set under that section.
- (2) On or before the reporting date, the Welsh Ministers must lay before Senedd Cymru, and publish, a statement containing the required information about the target.
- (3) The required information about a target is (as appropriate)—
- that the target has been met,
  - that the target has not been met, or
  - that the Welsh Ministers are not yet able to determine whether the target has been met, the reasons for that and the steps the Welsh Ministers intend to take in order to determine whether the target has been met.
- (4) Where the Welsh Ministers make a statement that a target has not been met, the Welsh Ministers must, before the end of 12 months beginning with the date on which the statement is laid, lay before Senedd Cymru, and publish, a report.
- (5) The report must—
- explain why the target has not been met, and
  - set out the steps the Welsh Ministers have taken, or intend to take, to ensure the specified standard is achieved as soon as reasonably practicable.
- (6) Where the Welsh Ministers make a statement that they are not yet able to determine whether a target has been met, the Welsh Ministers must, before the end of 6 months beginning with the date on which the statement is laid, lay before Senedd Cymru, and publish, a further statement containing the required information.
- (7) Subsections (3) to (6) apply to further statements under subsection (6) as they apply to a statement under subsection (2).

#### Commencement Information

**I5** S. 5 in force at 14.4.2024, see [s. 30\(2\)\(a\)](#)

## 6 Review of targets

- (1) The Welsh Ministers must review targets under sections 1 and 2 in accordance with this section.
- (2) In carrying out a review, the Welsh Ministers must—

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- (a) seek advice from persons they consider to be independent and to have relevant expertise, and
  - (b) have regard to scientific knowledge about air pollution.
- (3) If a target under section 1 or 2 is in respect of a pollutant for which guidelines have been published by the World Health Organisation in its most recent global air quality guidelines, the Welsh Ministers must, in carrying out a review of the target, have regard to the guidelines in respect of that pollutant.
- (4) Having carried out a review, the Welsh Ministers must lay before Senedd Cymru, and publish, a statement about the steps, if any, they intend to take under section 1 or 2 in relation to each target in consequence of the review.
- (5) Where a statement provides that the Welsh Ministers intend to take no steps under sections 1 or 2 in relation to a target, the statement must include the reasons for that decision.
- (6) The first review must be completed before the end of 5 years beginning with the day on which the first target is set (whether under section 1 or 2).
- (7) Subsequent reviews must be completed before the end of 5 years beginning with the day on which the previous review was completed.
- (8) A review is completed when the Welsh Ministers have laid the statement before Senedd Cymru and published it.

#### Commencement Information

**I6** S. 6 in force at 14.4.2024, see [s. 30\(2\)\(a\)](#)

### 7 Monitoring progress towards meeting targets

- (1) The Welsh Ministers must make arrangements for obtaining such data about air quality in Wales as they consider appropriate to monitor the progress being made towards meeting any targets set under section 1 or 2.
- (2) The Welsh Ministers must publish any data obtained under subsection (1) as soon as is reasonably practicable.

#### Commencement Information

**I7** S. 7 not in force at Royal Assent, see [s. 30\(3\)](#)

### 8 Maintaining air quality standards

- (1) This section applies in relation to a specified standard for a target set under section 1 or 2 where—
  - (a) the specified date for the target has been reached, and
  - (b) the specified standard for the target has been achieved (whether by the specified date or by a later date).
- (2) The Welsh Ministers, in the exercise of their powers under section 87(1) of the Environment Act 1995 ([c. 25](#)) must ensure that—

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- (a) the Welsh Ministers are under a duty to maintain that standard, and
  - (b) reporting requirements are in place in relation to the performance of that duty.
- (3) The Welsh Ministers may exercise their powers under section 87(1) of the Environment Act 1995 to replace the standard mentioned in subsection (2)(a) with a lower standard, or to revoke the standard, but only if satisfied that—
- (a) meeting the standard would have no significant benefit compared with not meeting it or with meeting a lower standard, or
  - (b) because of changes in circumstances since the specified standard was set or last lowered, the environmental, social, economic or other costs of meeting it would be disproportionate to the benefits.
- (4) Before making regulations under section 87(1) of the Environment Act 1995 for any purpose mentioned in subsection (3), the Welsh Ministers must (in addition to complying with section 87(7B) of that Act)—
- (a) seek advice from persons they consider to be independent and to have relevant expertise,
  - (b) have regard to scientific knowledge on air pollution,
  - (c) have regard to any guidelines in respect of the pollutant to which the standard applies published by the World Health Organisation in its most recent global air quality guidelines, and
  - (d) lay before Senedd Cymru, and publish, a statement explaining why the Welsh Ministers are satisfied as mentioned in subsection (3).

#### Commencement Information

**I8** S. 8 in force at 14.4.2024, see [s. 30\(2\)\(b\)](#)

## 9 Reporting in relation to section 1

- (1) The Welsh Ministers must, as soon as practicable after the end of each reporting period, lay before Senedd Cymru and publish a report on the consideration they have given during that period to setting long-term targets under section 1.
- (2) The report must, in particular, address the consideration given during the reporting period to setting targets in relation to the following pollutants—
- (a) ammonia;
  - (b) PM10;
  - (c) ground level ozone;
  - (d) nitrogen dioxide;
  - (e) carbon monoxide;
  - (f) sulphur dioxide.
- (3) But if regulations have been made under section 1 setting a target in relation to a pollutant mentioned in subsection (2), the requirement in that subsection no longer applies in relation to that pollutant.
- (4) In this section, “reporting period” means—
- (a) the period of 2 years beginning with the day on which section 1 comes into force, and
  - (b) each subsequent period of 12 months.

*Status: This version of this part 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, PART 1. (See end of Document for details)*

### Commencement Information

**I9** S. 9 in force at 14.4.2024, see [s. 30\(2\)\(c\)](#)

## 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

**I10** S. 10 in force at 14.4.2024, see [s. 30\(2\)\(d\)](#)

#### *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).



*Status: This version of this part 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, PART 1. (See end of Document for details)

- (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—
  - (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.



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- (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

**I11** 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.”
- (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

**I12** 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;

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**Changes to legislation:** There are currently no known outstanding effects for the Environment (Air Quality and Soundscapes) (Wales) Act 2024, PART 1. (See end of Document for details)

- (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

**I13** 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.
- (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”;

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*Changes to legislation: There are currently no known outstanding effects for the Environment (Air Quality and Soundscapes) (Wales) Act 2024, PART 1. (See end of Document for details)*

(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

**I14** 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—

“(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

**I15** 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,”.

*Status: This version of this part 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, PART 1. (See end of Document for details)*

(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

**I16** 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—
  - (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.

*Status: This version of this part 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, PART 1. (See end of Document for details)

(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

**I17** 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—

“(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

**I18** 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—

*Status: This version of this part 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, PART 1. (See end of Document for details)*

### *“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.
- (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.

*Status: This version of this part 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, PART 1. (See end of Document for details)*

- (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**

**I19** S. 19 not in force at Royal Assent, see [s. 30\(3\)](#)

## **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**

**I20** 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**

**I21** S. 21 not in force at Royal Assent, see [s. 30\(3\)](#)



*Status: This version of this part 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, PART 1. (See end of Document for details)*

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

#### Commencement Information

I22 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

I23 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);

*Status: This version of this part 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, PART 1. (See end of Document for details)

- (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”.

#### **Commencement Information**

**I24** S. 24 in force at 14.4.2024, see [s. 30\(2\)\(g\)](#)

**Status:**

This version of this part 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, PART 1.