

# **ENVIRONMENTAL BETTER REGULATION BILL – COMMITTEE STAGE**

## **ADDITIONAL DETAIL TO BE ADDED TO THE EXPLANATORY NOTES IN RESPONSE TO REQUEST FROM THE ENVIRONMENT COMMITTEE (ADDITIONAL DETAIL IS SHOWN IN RED)**

### **Clause 5: Interpretation**

Clause 5 defines terms used in Part 1 of the Bill. It includes definitions of:

- “environmental activities” (to cover activities that are capable of causing, or liable to cause, environmental harm); and
- “environmental harm” (to cover a wide range of matters, including-
  - harm to the quality of the environment such as might be caused by, for example, polluting activities, **and**
  - **offence to the senses of human beings such as might be caused by, for example, excessive noise or unpleasant odours or stench**s).

In this context, “activities” is also defined, so that it covers a broad range of matters including the production, treatment, keeping, transportation, depositing or disposal of substances.

The effect is that the Bill enables the regulation under section 2 of a wide range of matters relating to environmental activities, and the prevention of environmental harm.

(The definitions of “environmental harm” and “protecting and improving the environment” make reference to “ecosystems”. An ecosystem is a very wide ranging term and can be defined as including all of the living things (plants, animals and organisms) in a given area, interacting with each other, and also with their non-living environments (weather, earth, sun, soil, climate, atmosphere)).

~~Regulations under section 2 may further define environmental activities (see paragraph 1 of Schedule 1).~~

### **Clause 8: Rewriting powers of entry**

Clause 8 gives the Department the power, exercisable by regulations, to rewrite powers of entry or associated powers. Such regulations might consolidate a number of powers of entry exercisable for similar purposes. The power extends to rewording related legislation and connected offences. Whilst regulations under this clause may alter a power of entry or associated power and any safeguard linked to such powers, the combined effect of the changes must be to add to the level of protection afforded by the safeguards when taken together (subsection (5)).

Subsection (3) provides for the treatment of offences. In general terms, an offence that is tried summarily (usually in the Magistrates' Court) falls into one of two categories: (a) an offence that can only be tried summarily; and (b) one that can be tried summarily or on indictment. Subsection (3)(b)(ii) [as amended at Consideration Stage] makes the distinction between the different formulae for expressing the maximum fines applicable to those offences which are triable only summarily (a fine not exceeding level 5 on the standard scale) and those which are triable either summarily or on indictment (a fine which must not exceed the statutory maximum). While level 5 on the standard scale and the statutory maximum are both currently £5,000, they are two distinct legal concepts and the monetary values may diverge in the future.

### **Clause 13: Interpretation**

Clause 13 defines terms used in Part 2. The clause includes a definition of "premises". The definition makes it clear that "premises" includes any land, vehicle, vessel, aircraft or hovercraft, and any tent or moveable property.

However, it is an inclusive definition so, in addition to the things listed, the term bears its ordinary, natural and literal meaning and would, therefore, include a wide range of houses or buildings including residential premises.