EXPLANATORY MEMORANDUM TO

THE FINANCIAL ASSISTANCE FOR ENVIRONMENTAL PURPOSES (ENGLAND) ORDER 2020

2020 No. 207

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs ("Defra") and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The purpose of this instrument is to amend section 153(1) of the Environmental Protection Act 1990 to extend the list of purposes for which the Secretary of State may give financial assistance, in order to protect and improve the environment.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is England and Wales.

4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

5.1 Rebecca Pow MP, The Parliament Under Secretary of State for the Environment and Rural Opportunities has made the following statement regarding Human Rights:

"In my view the provisions of the Financial Assistance for Environmental Purposes (England) Order 2020 are compatible with the Convention rights."

6. Legislative Context

6.1 Under section 153 of the Environmental Protection Act 1990, the Secretary of State may provide financial assistance to those organisations, schemes, programmes or international agreements listed in section 153(1). Section 153(4) gives the Secretary of State the power to amend this list.

7. Policy background

What is being done and why?

7.1 The Environmental Protection Act 1990 brought in a system of integrated pollution control for the disposal of wastes to land, water and air, within England, Wales and Scotland.

7.2 The 1990 Act allows the Secretary of State, with the consent of HM Treasury, to give financial assistance to certain organisations for the purposes of those schemes, programmes or international agreements that are listed in section 153(1). The purposes relate to the protection, improvement or better understanding of the environment.

7.3 The current list set out in section 153(1), which applies to England and Wales, has been found to be too restrictive as it only allows financial assistance to be given to a limited number of named organisations. This makes it difficult to deliver on commitments made in the 2018 Resources and Waste Strategy and 2017 Litter Strategy.

7.4 In this instrument, the list in section 153(1) is being expanded to enable the Secretary of State to provide financial assistance to unspecified organisations, schemes and programmes for specified purposes. These specified purposes are the prevention or reduction of waste or litter in England, the promotion of resource efficiency in England and the prevention or reduction of environmental damage in England, all of which are key pillars of the above strategies.

8. European Union (Withdrawal) Act 2018/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to the withdrawal of the United Kingdom from the European Union

9. Consolidation

9.1 This instrument does not consolidate any legislation.

10. Consultation outcome

10.1 No consultation was undertaken in relation to this instrument because it is expanding on existing provisions and places no requirements or burdens on any business, organisation or group. Any future spending under these expanded provisions would be subject to the usual approval processes, which includes HM Treasury agreement.

11. Guidance

11.1 No guidance is being provided for this instrument because it is expanding on existing provisions and places no requirements or burdens on businesses

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because it places no requirements or burdens on businesses.

13. Monitoring & review

13.1 Defra will continue to monitor the suitability of organisations to be listed in this instrument.

14. Contact

14.1 Joe Minns at the Department for Environment, Food and Rural Affairs (Defra) Telephone: 07901868103 or email: joe.minns@defra.gov.uk can be contacted with any queries regarding the instrument.

14.2 Chris Preston, Deputy Director for Resources and Waste, at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.

14.3 Rebecca Pow MP, Parliamentary Under Secretary of State for the Environment and Rural Opportunities at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.