POLICY NOTE

THE FINANCIAL ASSISTANCE FOR ENVIRONMENTAL PURPOSES (VARIATION) (SCOTLAND) ORDER 2024

SSI 2024/371

The above instrument was made in exercise of the powers conferred by section 153(4) of the Environmental Protection Act 1990. The instrument is subject to negative procedure.

Summary Box

This instrument will enable the Scottish Ministers to offer financial assistance to any scheme, organisation, or programme for the purposes of protecting, improving or gaining a better understanding air quality.

Policy Objectives

The purpose of this Order is to provide a power to enable the Scottish Ministers to make grants to any scheme, organisation, or programme whose purpose is to protect, improve, or gain a better understanding of air quality.

Section 153(1)(h) and (tt) of the Environmental Protection Act 1990 have previously been used to grant air quality resource funding to local authorities to assist in their air quality monitoring functions. Section 153(1)(h) gives the Scottish Ministers the power to give financial assistance for the purposes of implementing the Convention on Long Range Transboundary Air Pollution (which aims to reduce air pollution) and any Protocol to the Convention. Section 153(1)(tt) gives the Scottish Ministers the power to give financial assistance for the purposes of any scheme for the regulation of emissions from motor vehicles. This Order will enable the Scottish Ministers to support a wider range of environmental measures relating to protection, improvement or better understanding of air quality.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Finanical Assistance for Environmental Purposes (Scotland) Variation Order 2024 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

No consultation has been carried out in relation to this Order given its likely limited impact.

Impact Assessments

A Children's Rights and Wellbeing Impact Assessment has been completed for this Order and will be published alongside this Order on legislation.gov.uk. There were no children's rights or welfare issues identified.

The following impact assessments have not been undertaken:

Equality Impact Assessment – there are no equalities issues associated with the SSI.
Data Protection Impact Assessment – there are no data protection issues associated with the SSI.
Strategic Environmental Assessment – there are no environmental impact issues associated with the SSI.
Islands – there are no islands impacts associated with the SSI.
Consumer Duty Impact Assessment – there are no impacts on consumers associated with the SSI.

Financial Effects

The Cabinet Secretary for Net Zero and Energy confirms that no BRIA is necessary as the instrument in itself has no financial effects on the Scottish Government, local government or on business. The powers are purely permissive; any grants made under the amended grant-making power will be subject to budget availability.

Scottish Government
Environment and Forestry Directorate

December 2024