

# Clean Air (Human Rights) Bill [HL]

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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**Clause 1**

BARONESS JONES OF MOULSECOOMB

Page 1, line 6, after “thereafter” add “or publish a statement to Parliament setting out the reasons for not complying.”

Page 1, line 8, after “Clean Air” insert “(CCCA)”.

Page 2, line 22, leave out “Highways England” and insert “National Highways”.

Page 2, line 23, leave out “and”.

Page 2, line 24, after “Natural England” insert –

“; and

(h) Network Rail.”

**After Clause 1**

BARONESS JONES OF MOULSECOOMB

Insert the following new Clause –

**Particulate matter**

- (1) In section 2(1) of the Environment Act 2021, after “The Secretary of State must” –
  - (a) delete “set a target (“the PM2.5 air quality target”) in respect of the annual mean level of PM2.5 in ambient air.”; and
  - (b) insert “establish by regulations a limit value for an annual mean concentration of PM2.5 of 10 ug/m<sup>3</sup> to be attained throughout England and Wales by 1 January 2030 and not to be exceeded once attained.”
- (2) Delete section 2(2) of the Environment Act 2021 (“The PM2.5 air quality target may, but need not, be a long-term target”).

## Clause 2

BARONESS JONES OF MOULSECOOMB

Page 2, line 26, leave out “Environment Agency (EA)” and insert “Citizens’ Commission for Clean Air (CCCA)”.

Page 2, line 28, leave out “EA” and insert “CCCA”.

Page 2, line 35, after “WHO” leave out “and the International Organization for Standardization (ISO)”

Page 3, line 1, leave out “EA” and insert “CCCA”.

Page 3, line 5, leave out “EA” and insert “CCCA”.

Page 3, line 17, leave out subsections (5) to (7)

Page 3, line 42, leave out subsection (11)

Page 3, line 45, leave out “EA” and insert “CCCA”

Page 4, line 1, leave out subsections (13) and (14)

## After Clause 2

BARONESS JONES OF MOULSECOOMB

Insert the following new Clause—

### **Amending the pollutants and limits in Schedules 1 to 4**

- (1) Following the receipt of advice under section 2, the Secretary of State must lay before Parliament a draft statutory instrument containing an order amending Schedules 1 to 4 to include additional pollutants (and their limit values which may be zero) and to lower any limits.
- (2) Following the publication of new guidance by the WHO, Inter Governmental Panel on Climate Change (IPCC) and UNECE, the Secretary of State may lay before Parliament a draft statutory instrument containing an order amending Schedules 1 to 4 to include additional pollutants (and their limit values which may be zero) and to lower any limits.
- (3) Before laying before Parliament a draft of a statutory instrument containing an order under subsection (1), the Secretary of State must take into account -
  - (a) the advice received from under sections 2(3) and 2(5);
  - (b) revised guidance and good practice statements from the WHO, IPCC and UNECE; and
  - (c) the precautionary principle.
- (4) In case of conflict between the advice received under sections 2(3) and 2(5) and guidance and good practice statements under subsection (3)(b), any additional pollutants should be listed and the lower limit values should be adopted.

**After Clause 2 - continued**

- (5) If the order makes provision different from that recommended by the CCCA or the CCC or the guidance or good practice statements of the WHO, IPCC or UNECE the Secretary of State must also publish a statement setting out the reasons for that decision.
- (6) A statement under this section may be published in such manner as the Secretary of State thinks fit.
- (7) An order under this section is subject to affirmative resolution procedure.
- (8) Where Schedules 1 to 4 are amended and a new pollutant limit is added or a limit is reduced in accordance with, but after the commencement of all sections of, this Act the new or amended limit will take effect after a period of 12 months, beginning with the date on which the relevant amending regulations come into force.”

**Clause 3**

## BARONESS JONES OF MOULSECOOMB

Page 4, line 37, leave out “in accordance with the most up to date ISO standards” and insert “in representative locations relative to the most up to date WHO air quality guidelines”

Page 4, line 39, leave out “in accordance with the most up to date ISO standards” and insert “measured in representative locations relative to the most up to date WHO air quality guidelines”

Page 5, line 25, leave out “Citizens’ Commission for Clean Air (the “CCCA”)” and insert “CCCA”

Page 5, line 35, leave out subsection (10) and insert –

- “(10) Following the receipt of advice under subsection (9), the Secretary of State must lay before Parliament a draft statutory instrument containing an order amending assessment, publication or reporting methods.”

Page 5, line 38, leave out subsection (11) and insert –

- “(11) Before laying before Parliament a draft of a statutory instrument containing an order under subsection (10), the Secretary of State must take into account –
- (a) the advice received under subsection (9);
  - (b) the precautionary principle; and
  - (c) the desirability of ensuring continuity and comparability of reporting.”

Page 5, line 41, leave out subsection (12) and insert –

- “(12) If the order makes provision different from that recommended by the CCCA, the Secretary of State must also publish a statement setting out the reasons for that decision.”

**Clause 3 - continued**

Page 5, line 42, at end insert—

- “(13) A statement under this section may be published in such manner as the Secretary of State thinks fit.
- (14) An order under this section is subject to affirmative resolution procedure.”

**Clause 7**

BARONESS JONES OF MOULSECOOMB

Page 7, line 7, at end insert “unless the failure to achieve clean air is a failure of the Secretary of State, in which case the local authority must send and publish a letter to the Secretary of State, giving their reasons.”

**Clause 8**

BARONESS JONES OF MOULSECOOMB

Page 7, line 39, leave out “of” and insert “for”

Page 7, line 40, leave out “of” and insert “for”

**Clause 10**

BARONESS JONES OF MOULSECOOMB

Page 8, line 9, leave out “Highways England” and insert “National Highways”

**After Clause 12**

BARONESS JONES OF MOULSECOOMB

Insert the following new Clause—

**Network Rail**

- (1) In section 4 of the Railways Act 1993, after subsection (g) insert—
- “(h) shall contribute towards achieving and maintaining clean air, as prescribed by the Clean Air (Human Rights) Act 2022 and the clean air enactments as listed in Schedule 6 to that Act.”

**Schedule 1**

BARONESS JONES OF MOULSECOOMB

Page 12, line 27, after “(“ insert “PM0.1,”

Page 12, line 27, leave out “1,000” and insert “2,000”

Page 12, line 29, leave out “500” and insert “1,000”

Page 13, line 3, after “(“ insert “PM0.1,”

**Schedule 1 - continued**

Page 13, line 27, leave out “O3” and insert “O3”

Page 13, line 28, leave out “O3” and insert “O3”

**Schedule 2**

BARONESS JONES OF MOULSECOOMB

Page 14, line 31, leave out “Pollutants from indoor combustion of fuels” and insert “Pollutant concentrations”

Page 15, line 3, after “(” insert “PM0.1,”

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*15 August 2022*

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