

# Clean Air (Human Rights) Bill [HL]

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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[Amendments marked ★ are new or have been altered]

Amendment  
No.

Clause 1

BARONESS JONES OF MOULSECOOMB

1 Page 1, line 4, after “must” insert “, subject to subsection (2A),”

*Member’s explanatory statement*

*This amendment, together with another in the name of Baroness Jones, ensures that where the duty to achieve clean air cannot be achieved within five years the Secretary of State may postpone the deadline for a particular pollutant in relation to a specified area by a maximum of five years subject to strict conditions.*

2 Page 1, line 6, at end insert –

“(2A) Where the duty in subsection (2) cannot be achieved for a particular pollutant in a given zone or agglomeration on or before 1 January 2028 the Secretary of State may postpone the deadline by a maximum of five years for that particular pollutant, in relation to the specified zone or agglomeration only on condition that the Secretary of State –

- (a) takes into account advice from the Citizens’ Commission for Clean Air (CCCA) and the Committee on Climate Change; and
- (b) sets a new deadline for achieving clean air and maintaining it thereafter; and
- (c) publishes a clean air plan that shall demonstrate how the new deadline will be achieved before the new deadline for the particular pollutant in the zone or agglomeration to which the postponement would apply; and
- (d) has not already postponed the deadline beyond 1 January 2028; and
- (e) lays a statement before Parliament explaining the failure to achieve clean air throughout England and Wales by 1 January 2028 and how it will be achieved throughout England and Wales by 1 January 2033 and maintained thereafter.”

**Member's explanatory statement**

*This amendment, together with another in the name of Baroness Jones, ensures that where the duty to achieve clean air cannot be achieved within five years the Secretary of State may postpone the deadline for a particular pollutant in relation to a specified area by a maximum of five years subject to strict conditions.*

3 Page 1, line 8, leave out “Citizens’ Commission for Clean Air” and insert “CCCA”

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

**Member's explanatory statement**

*This amendment responds to the rebranding of Highways England as National Highways.*

5 Page 2, line 24, at end insert –

“(h) Network Rail.”

**Member's explanatory statement**

*This amendment ensures that Network Rail is included alongside certain other public authorities with duties and powers under the Bill.*

**After Clause 1**

BARONESS JONES OF MOULSECOOMB

6 Insert the following new Clause –

**“Environmental targets: particulate matter and nitrogen dioxide**

- (1) In section 2(1) of the Environment Act 2021, for “set a target (“the PM<sub>2.5</sub> air quality target”) in respect of the annual mean level of PM<sub>2.5</sub> in ambient air”, substitute “establish limit values to be attained throughout England and Wales for the annual mean concentration in ambient air of –
  - (a) nitrogen dioxide (NO<sub>2</sub>) to be less than or equal to 40 µg/m<sup>3</sup> by 1 January 2024;
  - (b) NO<sub>2</sub> to be less than or equal to 20 µg/m<sup>3</sup> by 1 January 2030; and
  - (c) PM<sub>2.5</sub> to be less than or equal to 10 µg/m<sup>3</sup> by 1 January 2030.”
- (2) Omit subsection (2) of section 2 of the Environment Act 2021.
- (3) In subsection (4) of section 2 of the Environment Act 2021, for “setting the PM<sub>2.5</sub> air quality target” substitute “implementing the NO<sub>2</sub> and PM<sub>2.5</sub> limit values”.
- (4) Omit subsections (6) and (7) of section 2 of the Environment Act 2021.”

**Member's explanatory statement**

*This amendment ensures that the Environment Act 2021 is amended to establish new limit values as interim thresholds or backstop standards that align with certain World Health Organization air quality guidelines or interim targets.*

**Clause 2**

BARONESS JONES OF MOULSECOOMB

7 Page 2, line 26, leave out “Environment Agency (EA)” and insert “CCCA”

**Member's explanatory statement**

*This amendment gives the Citizen's Commission for Clean Air responsibilities in place of the Environment Agency ("EA") in response to observations from the Delegated Powers and Regulatory Reform Committee that the EA is a non-departmental public body sponsored by the Department for Environment, Food and Rural Affairs.*

- 8 Page 2, line 28, leave out "EA" and insert "CCCA"

**Member's explanatory statement**

*This amendment gives the Citizen's Commission for Clean Air responsibilities in place of the Environment Agency ("EA").*

- 9 Page 2, line 35, leave out "and the International Organization for Standardization (ISO)"

**Member's explanatory statement**

*This amendment removes the International Organization for Standardisation ("ISO") as a body advising on reviewing and revising future standards in Schedules 1 to 3.*

- 10 Page 3, line 1, leave out "EA" and insert "CCCA"

**Member's explanatory statement**

*This amendment gives the Citizen's Commission for Clean Air responsibilities in place of the Environment Agency ("EA").*

- 11 Page 3, line 5, leave out "EA" and insert "CCCA"

**Member's explanatory statement**

*This amendment gives the Citizen's Commission for Clean Air responsibilities in place of the Environment Agency ("EA").*

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

**Member's explanatory statement**

*This amendment removes subsections (5) to (7) in Clause 2 of the Bill which would be recreated in a more appropriate form within a new Clause following observations from the Delegated Powers and Regulatory Reform Committee about a mismatch between accountability and responsibility.*

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

**Member's explanatory statement**

*This amendment removes subsection (11) in Clause 2 of the Bill which would be recreated in a more appropriate form within a new Clause following observations from the Delegated Powers and Regulatory Reform Committee about a mismatch between accountability and responsibility.*

- 14 Page 3, line 45, leave out "EA" and insert "CCCA"

**Member's explanatory statement**

*This amendment gives the Citizen's Commission for Clean Air responsibilities in place of the Environment Agency ("EA").*

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

**Member's explanatory statement**

*This amendment removes subsections (13) and (14) in Clause 2 of the Bill which would be recreated in a more appropriate form within a new Clause following observations from the Delegated Powers and Regulatory Reform Committee about a mismatch between accountability and responsibility.*

**After Clause 2**

BARONESS JONES OF MOULSECOOMB

16 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 section 2(3) and (10);
  - (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 section 2(3) and (10) and guidance and good practice statements under subsection (3)(b), any additional pollutants should be listed and the lower limit values should be adopted.
- (5) If the order makes provision different from that recommended by the CCA 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) A statutory instrument containing an order under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

**After Clause 2 - continued**

- (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.”

**Member’s explanatory statement**

*This amendment would replace certain provisions formerly within Clause 2. It would establish a process for amending the pollutants and limits in Schedules 1 to 4 based on advice to the Secretary of State and subject to the approval of a resolution of each House of Parliament, in response to recommendations from the Delegated Powers and Regulatory Reform Committee.*

**Clause 3**

## BARONESS JONES OF MOULSECOOMB

- 17 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”

**Member’s explanatory statement**

*This amendment requires the assessment and reporting of pollutant concentrations to be based on World Health Organization air quality guidelines instead of standards set by the International Organization on Standardisation (“ISO”).*

- 18 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”

**Member’s explanatory statement**

*This amendment requires the assessment and reporting of pollutant concentrations to be based on World Health Organization air quality guidelines instead of standards set by the International Organization on Standardisation (“ISO”).*

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

**Member’s explanatory statement**

*This amendment is consequential on an amendment that defines the CCCA earlier in the Bill.*

- 20 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.”

**Member’s explanatory statement**

*This amendment replaces subsection (10) following recommendations from the Delegated Powers and Regulatory Reform Committee about a mismatch between accountability and responsibility.*

- 21** 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.”

***Member’s explanatory statement***

*This amendment replaces subsection (11) following recommendations from the Delegated Powers and Regulatory Reform Committee about a mismatch between accountability and responsibility.*

- 22** 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.”

***Member’s explanatory statement***

*This amendment replaces subsection (12) following recommendations from the Delegated Powers and Regulatory Reform Committee about a mismatch between accountability and responsibility.*

- 23** 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) A statutory instrument containing an order under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

***Member’s explanatory statement***

*This amendment adds two subsections following observations from the Delegated Powers and Regulatory Reform Committee about a mismatch between accountability and responsibility.*

**Clause 7**

**BARONESS JONES OF MOULSECOOMB**

- 24** Page 7, line 5, after “duty” insert “, subject to subsection (1A),”

***Member’s explanatory statement***

*This amendment, together with another in the name of Baroness Jones, establishes responsibilities for local authorities where the Secretary of State has postponed by a maximum of five years the deadline to achieve clean air for a particular pollutant in relation to an area that falls partly or wholly within their area.*

25 Page 7, line 7, at end insert –

“(1A) Where the Secretary of State has postponed the deadline under section 1 of this Act by a maximum of five years for a particular pollutant in relation to a specified zone or agglomeration that falls partly or wholly within a local authority’s area, the local authority must –

- (a) take into account advice from the CCCA and the CCC; and
- (b) send and publish a letter to the Secretary of State annually giving the local authority’s reasons for failing to comply with the limits set out in Schedules 1 to 3; and
- (c) comply with the new deadline for that pollutant which cannot be later than 1 January 2033.”

***Member’s explanatory statement***

*This amendment, together with another in the name of Baroness Jones, establishes responsibilities for local authorities where the Secretary of State has postponed by a maximum of five years the deadline to achieve clean air for a particular pollutant in relation to an area that falls partly or wholly within their area.*

**Clause 8**

BARONESS JONES OF MOULSECOOMB

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

***Member’s explanatory statement***

*This amendment corrects an error.*

**After Clause 12**

BARONESS JONES OF MOULSECOOMB

27 Insert the following new Clause –

**“Network Rail**

In section 4(1) of the Railways Act 1993, after paragraph (g) insert –

- “(h) to 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.””

***Member’s explanatory statement***

*This amendment ensures that Network Rail is included alongside certain other public authorities with duties and powers under the Bill.*

**Schedule 1**

BARONESS JONES OF MOULSECOOMB

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

***Member’s explanatory statement***

*This amendment aligns the standard for one-hour mean concentrations of ultrafine particles in outdoor air with the World Health Organization’s good practice statements published on 21 September 2021.*

- 29 Page 12, line 28, after “(“ insert “PM0.1,”

***Member’s explanatory statement***

*This amendment corrects an error.*

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

***Member’s explanatory statement***

*This amendment aligns the standard for 24-hour mean concentrations of ultrafine particles in outdoor air with the World Health Organization’s good practice statements published on 21 September 2021.*

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

***Member’s explanatory statement***

*This amendment corrects an error.*

- 32 Page 13, line 27, leave out “O3” and insert “O<sub>3</sub>”

***Member’s explanatory statement***

*This amendment corrects a formatting error.*

- 33 Page 13, line 28, leave out “O3” and insert “O<sub>3</sub>”

***Member’s explanatory statement***

*This amendment corrects a formatting error.*

## Schedule 2

### BARONESS JONES OF MOULSECOOMB

- 34 Page 14, line 20, column 3, at end insert –

“25 µg/m <sup>3</sup> ”	24 hours”
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***Member’s explanatory statement***

*This amendment corrects the omission of the World Health Organization’s air quality guideline for 24-hour mean concentrations of nitrogen dioxide (NO<sub>2</sub>) in indoor air.*

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

***Member’s explanatory statement***

*This amendment corrects an error.*



36 Page 15, line 2, column 2 and 3, before “PM1” insert –

“PM <sub>0.1</sub> : 2,000 particles/ cm <sup>3</sup> 1 hour	
PM <sub>0.1</sub> : 1,000 particles/ cm <sup>3</sup>	24 hours”

***Member’s explanatory statement***

*This amendment corrects the omission of standards for ultrafine particles in indoor air aligned to the World Health Organization’s good practice statements published on 21 September 2021.*

37 Page 15, line 3, after “(” insert “PM<sub>0.1</sub>,”

***Member’s explanatory statement***

*This amendment corrects an omission.*

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*16 November 2022*

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