

Ecocide Bill [HL]

[AS INTRODUCED]

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TO

Introduce the crime of ecocide; and for connected purposes.

BE IT ENACTED by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Offence of ecocide

It is an offence of “ecocide” for a person, company, organisation, partnership or any other legal entity registered in the United Kingdom, to be in breach of section 2 of this Act.

2 Ecocide

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For the purposes of this Act, “ecocide”—

- (a) as it applies to an individual, means unlawful or wanton acts or omissions committed by persons of superior responsibility who had knowledge, or should have had knowledge, that there was a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts; 10
- (b) as it applies to a company, organisation, partnership or other legal entity, means strict liability for unlawful or wanton acts or omissions with a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts. 15

3 Sentencing

- (1) The Secretary of State must by regulations establish defences and penalties for offences under sections 1 and 2 within 12 months of the day on which this Act is passed.
- (2) Before establishing the defences and penalties under subsection (1), the Secretary of State must carry out a public consultation and take advice from the Sentencing Council as to the most appropriate defences and penalties. 20

4 Superior responsibility

- (1) Any director, senior manager, partner, leader and or any other person in a position of superior responsibility is responsible for offences committed by members of staff under their authority, and is responsible as a result of their authority over such staff where they fail to take all reasonable measures within their power to prevent or to stop all steps that lead to the commission of the crime of ecocide. 5
- (2) A superior is responsible for offences committed by staff under their effective authority as a result of their failure to exercise authority properly over such staff where they failed to take all reasonable measures within their power to prevent or stop the commission of a crime or to submit the matter to the competent authorities for investigation. 10
- (3) A person responsible for aiding, abetting, counselling or procuring the commission of an offence is regarded as responsible for an offence under this section. 15

5 Proceeds of crime

The relevant provisions of the Proceeds of Crime Act 2002 apply in the event of conviction for any offence under this Act.

6 Protection of people who report environmental crimes or collaborate in investigations 20

The Secretary of State must, within six months of the day on which this Act is passed, lay before Parliament regulations made by statutory instrument to establish measures to guarantee protection to people who report the crime of ecocide, who provide evidence, or collaborate in investigations.

7 Investigation and enforcement 25

- (1) The Environment Agency is responsible for the investigation of potential offences set out in sections 1 and 2, and for the initiation of prosecution by referral to the Crown Prosecution Service.
- (2) The Secretary of State must ensure sufficient resources are available for the Environment Agency to investigate potential offences. 30

8 Application to public bodies

For the purposes of this Act “organisation” includes public bodies, government departments and other entities that are regarded as servants or agents of the Crown.

9 Regulations 35

- (1) Regulations under this Act are to be made by statutory instrument.

- (2) A statutory instrument containing regulations under this Act may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

10 Interpretation

In section 2—

“acts” includes an act or a failure to act;

“environment” means the earth, its biosphere, cryosphere, lithosphere, hydrosphere and atmosphere as well as outer space;

“long-term” means damage which is irreversible or which cannot be redressed through natural recovery within a reasonable period of time;

“severe” means damage which involves very serious adverse changes, disruption or harm to any element of the environment, including serious impacts on human life or natural, cultural or economic resources;

“wanton” means with reckless disregard for damage;

“widespread” means damage which extends beyond a limited geographic area, to impact upon an ecosystem or species or a significant number of human beings.

11 Extent, commencement and short title

- (1) This Act extends to England and Wales only.
- (2) This section comes into force on the day on which it is passed.
- (3) Sections 1 to 10 come into force at the end of the period of six months beginning with the day on which it is passed.
- (4) This Act may be cited as the Ecocide Act 2024.

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Baroness Boycott

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