

# Clean Air Bill

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Require the Secretary of State to set, measure, enforce and report on air quality targets; to require that vehicle emissions targets and testing reflect on-road driving conditions; to make it an offence to remove permanently devices that reduce vehicle emissions; to provide powers for local authorities to establish low diesel emissions zones and pedestrian-only areas; to restrict the use of diesel vehicles in urban areas; to make provision about the promotion of electric and hydrogen powered vehicles and for the development of sustainable public, private and commercial transport by road, rail, air and sea; and for connected purposes.

**B**E IT ENACTED by the Queen'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 Vehicle emissions-testing standards**

The Secretary of State must, within 20 months of the passing of this Act, by regulations, make provision for—

- (a) diesel vehicles emissions-testing for particulates and nitrogen dioxide to reflect on-road driving conditions, 5
- (b) the standards in Euro 6 applicable to laboratory testing to be applied to the testing under paragraph (a),
- (c) the development for inclusion in the MOT of emissions testing that includes the detection of devices or configurations in vehicles aimed at, or with the effect of, distorting results, including the removal of emissions-reducing devices. 10

**2 Removal of a device to reduce vehicle emissions**

- (1) Subject to subsection (2), a person who removes from a vehicle a fitted device designed to reduce vehicle emissions is guilty of an offence.
- (2) Subsection (1) does not apply where the device is removed— 15
  - (a) to allow the vehicle to be repaired; or

- (b) in any other circumstances specified in regulations made by the Secretary of State.
- (3) A person guilty of an offence under this section shall be liable on summary conviction to—
- (a) imprisonment for a period not exceeding 1 month, 5
  - (b) a fine not exceeding £5,000, or
  - (c) both.
- 3 Compliance with EU air quality standards for nitrogen dioxide and particulates**
- (1) The Secretary of State must, within 12 months of the passing of this Act, by regulations, empower and require local authorities to— 10
- (a) measure local air pollution, in particular in the vicinity of vulnerable groups including children and the elderly, and, following appropriate local consultation, to produce a local air quality plan containing measures to meet minimum EU air quality standards for particulates and oxides of nitrogen; 15
  - (b) establish and extend low diesel emission zones and restrict the access of diesel vehicles that fail Euro 5 emissions standards and secondary diesel engines including transport refrigeration units, to specified urban areas; 20
  - (c) provide more pedestrianised areas and cycle lanes;
  - (d) produce sustainable transport plans for urban areas to provide for lower emission options, including but not limited to— 25
    - (i) electric tram systems,
    - (ii) electric powered buses and taxis, and
    - (iii) other forms of electric and hydrogen-powered public and private transport;
  - (e) produce annual reports on air quality levels and policy, made available to members of the public;
  - (f) prohibit diesel-powered boats from mooring beside schools; and 30
  - (g) prohibit idling engines to apply to boats.
- (2) The Secretary of State must, within 12 months of the passing of this Act, lay a report before each House of Parliament on the costs, benefits and feasibility of a national network of suitable— 35
- (a) electric power points to enable electric vehicle use, and
  - (b) hydrogen supply points suitable for hydrogen vehicles.
- (3) The Secretary of State must, in the event of the UK exiting the European Union, ensure that the UK— 40
- (a) is subject to air quality and emissions standards set at the same level as in the European Union, and
  - (b) that subsequently the UK's standards are altered to remain in line with changes made to those set by the European Union towards objectives based on World Health Organisation guidelines.
- 4 Air pollution: mitigating measures**
- The Secretary of State must, within 12 months of the passing of this Act, by regulations, empower and require the Environment Agency to— 45

- (a) measure air pollution in certain specified high risk areas on a regular basis including urban areas, ports and airports,
- (b) issue air pollution warnings in circumstances where measurement reveals breaches of specified levels of pollution, and
- (c) instigate traffic calming measures, including road closure orders, port and airport restrictions in circumstances where measurement reveals breaches of specified levels of pollution until air pollution levels return to within tolerance. 5

## 5 Maritime air pollution

- (1) The Secretary of State must, within 12 months of the passing of this Act, by regulations, require local authorities in coastal urban areas to measure local air pollution levels attributable to ships and maritime industries. 10
- (2) The Secretary of State, having consulted local authorities in coastal urban areas, must make regulations requiring ships using ports in England and Wales to use emissions-reduction technology. 15
- (3) The regulations at subsection (2), must include a mandatory requirement that ports provide electric supply points in docks as an alternative to diesel fuels for ships and allow charging schemes to recover installation and power supply.
- (4) The Secretary of State must, require ports' authorities to ensure air quality and emissions are kept within prescribed limits and, where they are breached, to impose financial penalties. 20
- (5) The Secretary of State must, within 12 months of the passing of this Act, lay a report before each House of Parliament on the levels of emissions from shipping within five miles of the UK coastline including oxides of sulphur, nitrogen oxide and particulate matter. 25

## 6 Airport and aircraft air pollution

- (1) The Secretary of State must, within 12 months of the passing of this Act, by regulations, require local authorities within which airports in urban areas are located to measure local air pollution levels attributable to aircraft, ground traffic and airport industries. 30
- (2) The Secretary of State, having consulted local authorities which within their areas have airports located in urban areas, must make regulations for emissions, from aircraft ground traffic and airport industries.
- (3) The regulations at subsection (2), must include a requirement for airports to provide electric supply points and to contribute towards a clean air levy to finance mitigation. 35
- (4) The Secretary of State must, require airports authorities to ensure air quality and emissions are kept within prescribed limits and the regulations will must empower local authorities to impose penalties if they are breached.
- (5) The Secretary of State must, within 12 months of the passing of this Act, lay a report before each House of Parliament on the current and future potential air quality levels and of emissions from aircraft and vehicles within ten miles of airports' perimeters. 40

- 7 Air quality: fiscal strategy**
- (1) The Secretary of State must within 6 months of the passing of this Act make arrangements for an independent review and report on the—
- (a) current, and
  - (b) potential contribution to the improvement of air quality standards by the Government’s fiscal strategy and the provision of proposals for that strategy to be used to incentivise and provide sustainable forms of public, private and commercial transport by road, rail, air and sea. 5
- (2) A report and review under subsection (1) must—
- (a) consider and make proposals relating to the design of a diesel scrappage scheme designed to incentivise owners of diesel vehicles to switch to vehicles which produce fewer emissions, and 10
  - (b) include target dates to accelerate change towards emission free transport.
- (3) The report and recommendations of the review under subsection (1) must be laid before the House of Commons within 12 months of the passing of this Act. 15
- (4) The laying of the report and recommendations under subsection (2) must be accompanied by a statement by the Secretary of State responding to each proposal of the independent review under subsection (1).
- 8 Definitions** 20
- The standards in Euro 5 and 6 are set out at Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 implemented by Commission Regulation (EC) No 692/2008 of 18 July 2008 and Commission Regulation (EU) No 459/2012 of 29 May 2012.
- 9 Financial provision** 25
- There is to be paid out of money provided by Parliament—*
- (a) *any expenditure incurred under or by virtue of this Act by a Minister of the Crown, and*
  - (b) *any increase attributable to this Act in the sums payable under any other Act out of money so provided.* 30
- 10 Regulations, extent, commencement and citation**
- (1) Regulations under this Act shall be made by statutory instrument under the negative resolution procedure.
- (2) This Act extends to England and Wales.
- (3) This Act comes into force on the day after the day on which it receives Royal Assent. 35
- (4) This Act may be cited as the Clean Air Act 2017.

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To require the Secretary of State to set, measure, enforce and report on air quality targets; to require that vehicle emissions targets and testing reflect on-road driving conditions; to make it an offence to remove permanently devices that reduce vehicle emissions; to provide powers for local authorities to establish low diesel emissions zones and pedestrian-only areas; to restrict the use of diesel vehicles in urban areas; to make provision about the promotion of electric and hydrogen powered vehicles and for the development of sustainable public, private and commercial transport by road, rail, air and sea; and for connected purposes.

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