

Draft Clean Air Bill

***Content and omissions are the responsibility of Clean Air in London (CAL) alone.
CAL records its sincere thanks to Kate Harrison of Harrison Grant Solicitors***

A Bill to require the Secretary of State to achieve and maintain clean air in England [*and Wales*] [*and Scotland*] as part of their duty to protect life and public health; to establish the right to breathe clean air; to protect the environment and contribute to sustainable development, in particular to safeguard future generations; to enhance the powers, duties and functions of the Environment Agency, [*The Scottish Parliament*] [*The Welsh Government*] local authorities including Port Authorities, Highways England, the Civil Aviation Authority, Public Health England and the Committee on Climate Change; to establish the Citizens' Commission for Clean Air with independent powers to take legal action to hold central and local Government and its agencies to account, and itself to prosecute; to confirm the environmental principles of prevention, precaution, "polluter pays" and sustainable development; and to establish new offences in relation to emissions at their source, and to provide for related matters.

1) Overview

1. Everyone has the right to breathe clean air and the Human Rights Act 1998 is to be interpreted accordingly.
2. It is the duty of the Secretary of State [*together with the Scottish Parliament and Welsh Government*] to achieve and maintain clean air throughout the United Kingdom within 12 months of the coming into force of this Act and to provide funding to the national authorities¹ and to the Citizens' Commission for Clean Air to fulfil the duties under this Act.
3. For the purposes of this Act-
 - (a) "clean air" means air that does not contain banned pollutants or pollutants:

¹ Define in definition section to include Climate Change Committee

- (i) at concentrations above the guideline levels set by the World Health Organisation (WHO), or the level set by the Environment Agency under this Act, (whichever is the lower); or
 - (ii) above limits set by the Committee on Climate Change.
- (b) "pollutants" means particles, gases or other substances in the air, including smoke, grit, dust, fume, aerosol, volatile organic compounds, carbon dioxide and other greenhouse gases, and which are set out, together with their limit values (which may be zero) or emissions limits in-
- (i) Schedule 1 (pollutants relating to local and atmospheric pollution);
 - (ii) Schedule 2 (indoor air pollutants);
 - (iii) Schedule 3 (pollutants causing primarily environmental harm); and
 - (iv) Schedule 4 (pollutants causing climate change)
- to this Act.

2) Revising the pollutants and limits in Schedules 1 to 4

1. The pollutants and the limits set out in Schedules 1 to 3 are to be reviewed annually by the Environment Agency (EA), after taking the advice of Public Health England and internationally respected epidemiologists about the effect of pollution on health and applying the precautionary principle, by carrying out a public consultation in accordance with the Aarhus Convention.
2. Following the review under subsection (1), the EA must advise the Secretary of State about whether new pollutants should be added or whether pollutant limits should be lowered in order to protect life, health and/or the environment.
3. In advising the Secretary of State under subsection (2), the EA must-
 - (a) include particular consideration of the needs of children and the elderly and susceptible individuals; and
 - (b) their exposure to pollutant concentrations, including when travelling by public transport in ambient air or underground.
4. The Secretary of State must, in response to the advice received under subsections (2) and (3), and in accordance with the precautionary principle, amend Schedules 1 to 3 through regulations made by statutory instrument to include additional pollutants and their limit values (which may be zero) and lower any limit in accordance with advice from the EA.
5. The Secretary of State must also revise the pollutants and the limits set out in Schedules 1 to 3 to reflect revised guidance from the WHO.
6. The pollutants and limits set out in Schedule 4 are to be reviewed annually by the Committee on Climate Change, after taking the advice of internationally respected

scientists about the effect of pollution on the climate and applying the precautionary principle, by carrying out a public consultation in accordance with the Aarhus Convention.

7. Following a review under subsection (6), the Committee on Climate Change must advise the Secretary of State about whether the limits on emissions should be lowered in order to protect the environment and safeguard future generations, in particular this advice may include amending the limits on emissions caused by international aviation landing in or taking off from the UK.
8. The Secretary of State must in response to advice received under subsection (7), in accordance with the precautionary principle, amend the emission limits in Schedule 4 accordingly.
9. Limits for pollutants may be set for short, medium or long-term levels of emissions and/or concentrations: in Schedules 1 to 3 inclusive as considered appropriate by the EA; or in Schedule 4 as considered appropriate by the Committee on Climate Change.
10. Where Schedules 1 to 4 are amended and a new pollutant is added or the permitted limit of a pollutant or emission is reduced in accordance with but after the commencement of this Act, then the duty to achieve the new limit will apply after the period of 12 months, beginning with the date on which the relevant amendment comes into force.
11. A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

3) Secretary of State's Duty: Additional provisions

1. In exercising the duty under section 1, the Secretary of State must comply with the United Nations Convention on Long-Range Transboundary Air Pollution and its protocols set out in Schedule 5.
2. In carrying out his duty under section 1, the Secretary of State must work with [*the Governments of Scotland and Wales,*] local authorities, the Environment Agency, the Committee on Climate Change and other authorities and must exercise powers under the clean air enactments, set out in Schedule 6, and other acts in accordance with his duty.
3. The "clean air enactments" include all Acts of Parliament and regulations derived from EU legislation under the European Union (Withdrawal) Act 2018 which deal, directly or indirectly, with the regulation of air pollution, whether through the regulation of ambient air quality or banning or limiting emissions at source or bans on substances and the protection of public health or the environment.

4. In exercising powers under section 11 of the Health and Social Care Act 2012 (Secretary of State's duty to protect public health),² the Secretary of State must ensure:
 - (a) the accurate and regular measurement of air pollution in all parts of the United Kingdom; and
 - (b) the provision of detailed information about air pollution to the public.
5. Notwithstanding any other provision of this Act, the Secretary of State may upon receipt of evidence that a pollution source or combination of sources (including moving sources) is presenting an imminent and substantial endangerment to public health or welfare of the current or future generations, or the environment, bring action in the High Court to immediately restrain any person causing or contributing to the alleged pollution to stop the emission of air pollutants causing or contributing to such pollution or to take such other action as may be necessary.

4) Environment Agency (EA)

1. The Environment Act 1995 is amended follows-
 - (a) In section 4(1)-
 - (i) after "other enactment" insert "such as the clean air enactments set out in schedule 6 of the Clean Air Act 2018"; and
 - (ii) after "whole", insert "including to achieve and maintain clean air throughout England".
2. In this section, the "clean air enactments" include the enactments set out in Schedule 6 and any other enactment governing the EA's functions in relation to the regulation of the ambient air quality or controlling pollution and emissions at source.

² which gives power to the Secretary of State to take such steps as he considers appropriate to improve the health of the people of England (*section 12, HSCA 2012; section 2B(2), NHS Act 2006*) and under section 11 of the HSCA 2012 (*section 2A, NHS Act 2006*) the Secretary of State is required to undertake protective and preventative work on public health matters which require a national overview, that is, "such steps as he considers appropriate for the purpose of protecting the public in England from disease or other dangers to health".

5) Local Authorities

1. Local authorities have a duty to achieve and maintain clean air in their area, and limit emissions from their area, and must exercise their powers and functions, including the power under section 2 of the Local Government Act 2000 to improve the environmental wellbeing of their local area, and the functions in the “clean air enactments”, in accordance with this duty.
2. Local authorities must be given money from central funds to carry out their duties in full under this Act.
3. In this section, the “clean air enactments” are those enactments listed in Schedule 6 and any other enactment governing local authorities’ functions in relation to-
 - (a) regulating the ambient air quality or controlling pollution and emissions at source,
 - (b) land use planning,
 - (c) traffic planning including actions as a Highways Authority,
 - (d) building regulation, and
 - (e) statutory nuisance.
3. In this section “local authority” means, in relation to England —
 - (i) a county council;
 - (ii) a district council;
 - (iii) a London borough council;
 - (iv) the Mayor of London;
 - (v) the Common Council of the City of London in its capacity as a local authority;
 - (vi) the Council of the Isles of Scilly;
 - (vii) combined authority; and
 - (viii) port authorities.

6) Committee on Climate Change

1. The Climate Change Act 2008 is to be amended as follows.
2. After section 32 (functions of the Committee) insert -

“32A Duty to advise on emission limits
It is the duty of the Committee to advise the Secretary of State on emissions limits under Schedule 4 of the Clean Air Act 2018”.
3. In section 38 (duty to provide advice or other assistance on request) after (1) (d), insert –

(e) "the authority's duties under the Clean Air Act 2018".

7) Highways England

1. The Infrastructure Act 2015 is amended as follows.
2. In section 5 (general duties), after subsection (2)(a) insert-
 - "(aa) to contribute to the maintenance of clean air under the Clean Air Act 2018;
 - (ab) to follow instructions given to it by the Secretary of State to contribute to the achievement of clean air."

8) Civil Aviation Authority

1. It shall be the duty of the CAA in exercising its functions:
 - (a) to contribute to the maintenance of clean air in the UK; and
 - (b) to apply the provisions of the Convention on Transboundary Pollution and its protocols (Schedule 5).
2. The Civil Aviation Act 1982 is amended as follows-
 - a. In section 2, after subsection (2)(f) insert "in order to comply with the right to clean air under section 1 of the Clean Air Act 2018."

9) Natural England

1. The Natural Environment and Rural Communities Act 2006 is amended as follows.
2. In section 2 (general purpose), after subsection (2)(e) insert-
 - "(f) contribute towards achieving and maintaining clean air, as prescribed by the Clean Air Act 2018 and the clean air enactments."

10) The establishment of the Citizens' Commission for Clean Air

1. There will be a body corporate known as the Citizens' Commission for Clean Air (CCCA or "Clean Air Commission").
2. The CCCA must, by exercising the powers conferred by this Act, monitor and enforce the right to breathe clean air and the duties to achieve and maintain clean air.

3. The constitution of the CCCA is set out in Schedule 7 and includes the requirement for members of the CCCA to have expertise in the effect of air pollution on health and mortality and/or the environment.

11) Judicial review and other legal proceedings

1. The CCCA may institute or intervene in legal proceedings, whether for judicial review or otherwise, if it appears to the CCCA that the proceedings are relevant to the duty to achieve and maintain clean air and relevant duties, powers and functions under the "clean air enactments" set out in Schedule 6.
2. The CCCA may assist an individual who is or may become party to legal proceedings if:
 - (a) the proceedings relate or may relate to the right to breathe clean air or the duty to achieve and maintain clean air;
 - (b) the individual is a member of the public who has the right of access to justice under the Aarhus convention; or
 - (c) the individual is a victim of a breach of the right to breathe clean air.
3. For the avoidance of doubt, assistance under this section may extend to actions for private nuisance.

12) Duty to maintain clear air: assessment

1. The CCCA may assess the extent to which the Secretary of State, the Environment Agency, local authorities, Highways Authorities, the Committee on Climate Change and others have complied with their duties under this Act and where the CCCA thinks that a person³ has failed to comply with their duty, the CCCA may give the person a notice requiring them-
 - (a) to comply with the duty; and
 - (b) to give the CCCA, (within x period) written information of steps taken or proposed to be taken for the purpose of complying with their duty.

³ Defined to include a body corporate

2. A notice under this section may require a person to give the CCCA information required by the Commission for the purposes of assessing compliance with the duty, in which case the notice must specify –
 - (a) the period within which the information is to be given; and
 - (b) the manner in which the information is to be given.
3. A person who receives a notice under this section must comply with it within x days.
4. If the CCCA thinks that a person to whom a notice under this section has been given has failed to comply with a requirement of the notice, the Commission may apply to the Court for an order requiring the person to comply.

13) Duty to maintain clean air: Reporting

1. The CCCA must report annually to-
 - (a) the Secretary of State (who must lay the report to before both Houses of Parliament); and
 - (b) the European Environment Agency.
2. The report must be made public.

14) Principles

1. In exercising their functions and carrying out their duties under this Act, the public authorities must, in addition to safeguarding public health and the right to breathe clean air, apply the following environmental principles-
 - (a) prevention, which means that environmental regulation must anticipate, prevent and attack the causes of environmental harm;
 - (b) precaution, which means that where there are threats of serious or irreversible damage to the environment, including human health, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent harm;
 - (c) polluter pays, which means that the costs of pollution should be borne by the person responsible for causing the pollution; and
 - (d) sustainability which means, in particular to take into account the health of present generations and the needs of future generations.

Miscellaneous

- Provision for additional offences (such as constructing devices for evading accurate measurement of emissions).
- Provision for on the spot penalty notices – e.g. for smoky chimneys.
- Fines to be raised and civil or criminal penalties to be pursued to a level that ensures there is no financial gain from illegal pollution and/or the polluter pays for damage caused. Penalties shall be effective, proportionate and dissuasive and go well beyond “judicial review” alone.
- Definition section – to include “person” shall include body corporate and a definition of “national authorities”.

Schedule 1 (relevant mainly to local and atmospheric pollution)

Pollutant
Black carbon
Carbon monoxide (CO)
Ground-level ozone (O ₃)
Lead and heavy metals
Nitrogen dioxide (NO ₂)
Particulate matter (PM ₁ , PM _{2.5} and PM ₁₀)
Sulphur dioxide (SO ₂)

Schedule 2 (indoor air pollutants)

Biological indoor air pollutants (dampness and mould)
Dampness
Mould
Pollutant-specific guidelines (chemical pollution)
Benzene (C ₆ H ₆)
Carbon monoxide (CO)
Formaldehyde
Hydrogen sulphide (H ₂ S)
Nitrogen dioxide (NO ₂)
Naphthalene
Polycyclic aromatic hydrocarbons (PAHs)
Radon
Tetrachloroethylene
Trichloroethylene
Pollutants from indoor combustion of fuels
Particulate matter (PM ₁ , PM _{2.5} and PM ₁₀)
Infiltration of outdoor air into indoor environments
Particulate matter (PM ₁ , PM _{2.5} and PM ₁₀)

Schedule 3 (pollutants causing primarily environmental harm)

Pollutant
Ammonia (NH ₃)
Black carbon/soot
Ground level ozone (O ₃)
Mercury (Hg)
Nitrogen oxides (NO _x)
Persistent organic pollutants (POPs)
Sulphur dioxide (SO ₂)

* Acidification; eutrophication; haze; smog

Schedule 4 (pollutants causing climate change)

Non-fluorinated gases
Carbon dioxide (CO ₂)
Methane (CH ₄)
Nitrous oxide (N ₂ O)
Fluorinated gases
Hydrofluorocarbons
Nitrogen trifluoride
Perfluorocarbons
Sulphur hexafluoride

Note: Limits for pollutants in Schedules 1-4 inclusive may be set for short, medium or long-term levels of emissions and/or concentrations.

Schedule 5 (Protocols to CLRTAP)

- i. The 1984 Geneva Protocol on Long-Term Financing of the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP)
- ii. The 1985 Helsinki Protocol on the Reduction of Sulphur Emissions or their Transboundary Fluxes by at least 30 per cent
- iii. The 1988 Protocol concerning the Control of Nitrogen Oxides or their Transboundary Fluxes
- iv. The 1991 Geneva Protocol concerning the Control of Emissions of Volatile Organic Compounds or their Transboundary Fluxes
- v. The 1994 Oslo Protocol on Further Reduction of Sulphur Emissions
- vi. The 1998 Aarhus Protocol on Heavy Metals, as amended on 13 December 2012
- vii. The 1998 Aarhus Protocol on Persistent Organic Pollutants (POPs) as amended on 18 December 2009
- viii. The 1999 Gothenburg Protocol to Abate Acidification, Eutrophication and Ground-level Ozone as amended on 4 May 2012.

Schedule 6 - Clean Air Enactments

Health

Public Health Acts

- Public Health Act 1925
- Public Health Act 1936
- Public Health Act 1961

Noise and Statutory Nuisance Act 1993

Health and Social Care Act 2012

Well-being of Future Generations (Wales) Act 2015

Pollution/Air quality

Clean Air Acts

- Clean Air Act 1956
- Clean Air Act 1968
- Clean Air Act 1993

Clean Air Act (Emission of Grit and Dust from Furnaces) Regulations 1971 (*Clean Air Act 1968*)

Control of Pollution Act 1974

Motor Fuel (Composition and Content) Regulations 1999 (*Clean Air Act 1993; European Communities Act 1972*)

Pollution Prevention and Control Act 1999

Air Quality (England) Regulations 2000/ Air Quality (Wales) Regulations 2000 (*Environment Act 1995*)

Pollution Prevention and Control (England and Wales) Regulations 2000 (*Pollution Prevention and Control Act 1999*)

National Emission Ceilings Regulations 2002 (*National Emission Ceilings Directive 2001 (2001/81/EC) – to be repealed and replaced by the National Emission Ceilings Directive 2016 (2016/2284/EC) from 1 July 2018*)

The 2010 Regulations - (*Air Quality Directive 2008 (2001/81/EC); Fourth Daughter Directive 2004 (2004/107/EC)*)

- Air Quality Standards Regulations 2010
- Air Quality Standards (Wales) Regulations 2010

- Air Quality Standards (Amendment) Regulations 2016

Motor Fuel (Composition and Content) and Merchant Shipping (Prevention of Air Pollution from Ships) (Amendment) Regulations 2010 (*Sulphur in Fuels Directive 1999 (1999/32/EC) as amended by Fuel Quality Directive 2009 (2009/30/EC) and as amended by Sulphur in Fuels Directive 2012 (2012/33/EU)*)

Clean Air (Miscellaneous Provisions) (England) Regulations 2014 (*Clean Air Act 1993*)

Sulphur Content of Liquid Fuels (England and Wales) Regulations 2007

Ecodesign for Energy-Related Products Regulations 2010

Sulphur Content of Liquid Fuels (England and Wales) (Amendment) Regulations 2014

Pollution Prevention and Control (Designation of Directive IPPC Directive 1996 (1996/61/EC); Large Combustion Plants Directive 1988 (609/EEC) as amended 2001 (2001/80/EC); Both IPPC and LCP Directives amended 2010 by Industrial Emissions Directive (2010/75/EU). (England and Wales) Order 2017 (*Medium Combustion Plants Directive 2015 (2015/2193/EU)*)

Aviation

Civil Aviation Act 1982

Environment

Environmental Protection Act 1990

Environmental Protection (Prescribed Processes and Substances) Regulations 1991 (*Environmental Protection Act 1990*)

Environment Act 1995

Local Government Act 2000

Environmental Assessment of Plans and Programmes Regulations 2004 (*European Communities Act 1972*)

Clean Neighbourhoods and Environment Act 2005

Environmental Permitting (England and Wales) (Amendment) Regulations 2013

Environmental Permitting (England and Wales) Regulations 2016 (*PVR I Directive 1994; PVR II Directive 2009; PVR II Amending Directive 2014*)

Draft Environmental Permitting (England and Wales) (Amendment) Regulations 2018 (*Medium Combustion Plants Directive 2015*)

Vehicles

Road Vehicles (Construction and Use) Regulations 1986 (*Road Traffic Act 1972*)

Road Traffic Offenders Act 1988

Road Traffic Reduction Act 1997

Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002
(*Environment Act 1995*)

Road Vehicles (Construction and Use) (Amendment) Regulations 2004 (*Road Traffic Act 1988*)

Non-Road Mobile Machinery (Emission Of Gaseous And Particulate Pollutants)
(Amendment) Regulations 2014

Planning

Town and Country Planning Act 1990

Localism Act 2011

Neighbourhood Planning Act 2017

Planning Act 2008

Climate change

Greater London Authority Act 1999

Climate Change and Sustainable Energy Act 2006

Persistent Organic Pollutants Regulations 2007 (*EU POPs Regulations 2004*)

Sulphur Content of Liquid Fuels Regulations 2007 (*European Communities Act 1972*)

Climate Change Act 2008

Promotion of the Use of Energy from Renewable Sources Regulations 2011 (*Renewable Energy Directive 2009*)

Renewable Transport Fuel Obligations (Amendment) Order 2011 (*Renewable Energy Directive 2009*)

Greenhouse Gas Emissions Trading Scheme Regulations 2012 (*European Communities Act 1972; Pollution Prevention and Control Act 1999*)

Motor Fuel (Composition and Content) Regulations 1999

Motor Fuel (Road Vehicle and Mobile Machinery) Greenhouse Gas Emissions Reporting Regulations 2012 (*Fuel Quality Directive 1998 as amended by Fuel Quality Directive 2009*)

Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013 (*Pollution Prevention and Control Act 1999*)

Renewable Transport Fuel Obligations (Amendment) Order 2013 (*Fuel Quality Directive 1998 as amended by Fuel Quality Directive 2009*)

Fluorinated Greenhouse Gases Regulations 2015 (*EU Fluorinated Greenhouse Gases Regulation 2014; Mobile Air Conditioning Directive 2006*)

Ozone-Depleting Substances Regulations 2015 (*European Communities Act 1972*)

Alternative Fuels Infrastructure Regulations 2017 (*European Communities Act 1972*)

Shipping

Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008

Merchant Shipping (Prevention of Air Pollution from Ships) (Amendment) Regulations 2010

Merchant Shipping (Prevention of Air Pollution from Ships) and Motor Fuel (Composition and Content) (Amendment) Regulations 2014 (*European Communities Act 1972; Merchant Shipping (Prevention of Air Pollution from Ships) Order 2006; Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Order 1996; Merchant Shipping Act 1995*)

Merchant Shipping (Monitoring, Reporting and Verification of Carbon Dioxide Emissions) and the Port State Control (Amendment) Regulations 2017 (*European Communities Act 1972*)

Habitats

Conservation of Habitats and Species Regulations 2017 (*European Communities Act 1972; Criminal Justice Act 2003*)

Conservation of Offshore Marine Habitats and Species Regulations 2017 (*European Communities Act 1972*)

European Union's 7th Environment Action Programme (*Decision No. 1386/2013/EU*)

Schedule 7

Citizens' Commission for Clean Air

Membership

1. The Secretary of State shall appoint not less than 10 or more than 15 individuals as members of the CCCA (to be known as Commissioners).
2. The chief executive of the CCCA (appointed under paragraph 7 below) shall be a Commissioner ex officio.
3. In appointing Commissioners the Secretary of State shall—
 - (a) appoint an individual only if the Secretary of State thinks that the individual—
 - (i) has experience or knowledge relating to a relevant matter; or
 - (ii) is suitable for appointment for some other special reason.
 - and
 - (b) have regard to the desirability of the Commissioners together having experience and knowledge relating to the relevant matters.
4. For the purposes of sub-paragraph (1) the relevant matters are those matters in respect of which the CCCA has functions including, in particular—
 - (a) health;
 - (b) human rights;
 - (c) environmental protection;
 - (d) climate change;
 - (e) enforcement powers;
 - (f) public involvement in decision making.
5. A Commissioner shall hold and vacate office in accordance with the terms of his appointment (subject to this Schedule).
6. The appointment of a Commissioner must be expressed to be for a specified period of not less than two years or more than five years.
7. A Commissioner whose period of membership has expired may be reappointed.
8. A Commissioner may resign by notice in writing to the Secretary of State.

9. The Secretary of State may dismiss a Commissioner who is, in the opinion of the Secretary of State, unable, unfit or unwilling to perform his functions.

10. This paragraph does not apply to the chief executive.

Chairperson

11. The Secretary of State shall appoint—

- (a) a Commissioner as Chairperson; and
- (b) one or more Commissioners as deputy Chair.

12. The Chairperson shall—

- (a) preside over meetings of the CCCA;
- (b) perform such functions as may be specified in the terms of his appointment; and
- (c) perform such other functions as may be assigned to him by the CCCA.

13. A deputy Chairperson—

- (a) may act for the Chairperson when he is unavailable, and
- (b) shall perform—
 - (i) such functions as may be specified in the terms of his appointment; and
 - (ii) such other functions as the Chairperson may delegate or assign to him.

14. The Chairperson or a deputy Chairperson—

- (a) shall vacate office if he ceases to be a Commissioner;
- (b) may resign by notice in writing to the Secretary of State; and
- (c) otherwise, shall hold and vacate office in accordance with the terms of his appointment (and may be reappointed).

15. If the Chairperson resigns he shall cease to be a Commissioner (but he may be reappointed as a Commissioner).

16. The chief executive may not be appointed Chairperson or deputy Chairperson.

17. Procedure 5 the CCCA may regulate its own proceedings (subject to this Schedule).

18. The CCCA shall determine a quorum for its meetings.

19. At least five Commissioners must participate in the process by which a determination under sub-paragraph (1) is made.

Staff

20. The CCCA—

- (a) shall appoint a chief executive; and
- (b) may appoint other staff.

Committees

21. The CCCA may establish one or more committees (to be known as advisory committees) to advise the CCCA.

22. An advisory committee may include any of the following—

- (a) Commissioners;
- b) staff;
- (c) other non-Commissioners.

23. The CCCA may establish one or more committees to whom the CCCA may delegate functions (to be known as decision-making committees).

24. A decision-making committee may include any of the following—

- (a) Commissioners;
- (b) staff;
- (c) other non-Commissioners.

25. The CCCA shall ensure that the Chairperson of each decision-making committee is a Commissioner.

26. In allocating its resources the CCCA shall ensure that each decision-making committee receives a share sufficient to enable it to exercise its functions.

27. A member of a committee shall hold and vacate office in accordance with the terms of his appointment by the CCCA (which may include provision for dismissal).

28. The CCCA—

- (a) may, to any extent, regulate the proceedings of a committee (and may, in particular, determine a quorum for meetings);
- (b) may, to any extent, permit a committee to regulate its own proceedings (and may, in particular, enable a committee to determine a quorum for meetings); and
- (c) may dissolve a committee.

29. The CCCA may delegate a function to a decision-making committee.

Annual report

30. The CCCA shall for each financial year prepare a report on the performance of its functions in that year (to be known as its annual report).

31. An annual report shall, in particular, indicate in what manner and to what extent the CCCA's performance of its functions has accorded to the plan under section

32. The CCCA shall send each annual report to the Secretary of State within such period, beginning with the end of the financial year to which the report relates, as he may specify.

33. The Secretary of State shall lay before Parliament a copy of each annual report received under sub-paragraph (3).

Money

34. The CCCA may pay to the Chairperson, a deputy Chairperson or another Commissioner—

(a) such remuneration as the Secretary of State may determine; and

(b) such travelling and other allowances as the Secretary of State may determine.

35. The CCCA may pay to or in respect of the Chairperson, a deputy Chairperson or another Commissioner such sums as the Secretary of State may determine by way of, or in respect of, pensions, allowances or gratuities.

36. The Secretary of State shall pay to the CCCA such sums as are sufficient for the purpose of enabling the CCCA to perform its functions.

Status

37. The CCCA shall not—

(a) be regarded as the servant or agent of the Crown; or

(b) enjoy any status, immunity or privilege of the Crown.

38. Service as Commissioner or employee of the CCCA is not employment in the civil service of the State.

39. The Secretary of State shall have regard to the desirability of ensuring that the CCCA is under as few constraints as reasonably possible in determining—

(a) its activities;

(b) its timetables; and

(c) its priorities.

Freedom of information

40. In Part VI of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (public bodies) at the appropriate place insert— “The Citizen’s CCCA for Clean Air”