

Clean Air (Human Rights) Bill

[AS INTRODUCED]

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TO

Establish the right to breathe clean air; to require the Secretary of State to achieve and maintain clean air in England; to make provision about environmental targets and minimum standards in relation to clean air; to make provision about the powers, duties and functions of public bodies in England in relation to air pollution; to give the Office for Environmental Protection additional powers and duties related to clean air; to require the Secretary of State to comply with the United Nations Convention on Long-Range Transboundary Air Pollution; to require the Secretary of State and public authorities to apply specified environmental principles in carrying out their duties under this Act; 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 Overview

- (1) Everyone has the right to breathe clean air and the Human Rights Act 1998 is to be read as though this were a separate Convention right.
- (2) *The Secretary of State must, subject to subsection (3), achieve clean air throughout England before 1 January 2030 and maintain clean air throughout England thereafter.* 5
- (3) Where the duty in subsection (2) cannot be achieved for a particular pollutant in a given zone or agglomeration before 1 January 2030, the Secretary of State may postpone the deadline for a maximum period of up to five years for that particular pollutant in relation to the specified zone or agglomeration, provided that the Secretary of State — 10
 - (a) takes into account advice from the Office for Environmental Protection (OEP) and the Committee on Climate Change,
 - (b) keeps exceedance periods above the limits as short as possible,
 - (c) sets a new deadline for achieving clean air and maintaining it thereafter, 15
 - (d) publishes a clean air plan setting out policies and measures to ensure that the new deadline will be achieved for the particular pollutant in the zone or agglomeration to which the postponement would apply,
 - (e) has not already postponed the deadline beyond 1 January 2030, and

- (f) lays before Parliament a paper explaining the failure to achieve clean air throughout England before 1 January 2030 and how it will be achieved throughout England before 1 January 2035 and maintained thereafter.
- (4) *The Secretary of State must provide the necessary funding to the relevant public bodies to fulfil their duties under this Act.* 5
- (5) For the purposes of this Act—
- “clean air” means air that does not contain banned pollutants or pollutants, concentrations or emissions above the limits or levels of exposure (which may be zero) which are set out in— 10
- (a) Schedule 1 (pollutants relating to local and atmospheric pollution),
 - (b) Schedule 2 (indoor air pollutants),
 - (c) Schedule 3 (pollutants causing primarily environmental harm), and 15
 - (d) Schedule 4 (pollutants causing climate change);
- “the limits for pollutants” in Schedules 1 to 4 are set for short-, medium- or long-term time frames and the units referred to in those Schedules are—
- | <i>Unit</i> | <i>Definition</i> | 20 |
|-------------------|----------------------------|----|
| mg/m ³ | Milligrams per cubic metre | |
| µg/m ³ | Micrograms per cubic metre | |
| ng/m ³ | Nanograms per cubic metre | |
- “pollutants” means those particles, gases or other substances that are emitted directly into the air or formed from secondary chemical reactions in the air, including smoke, grit, dust, fumes, aerosols, volatile organic compounds, carbon dioxide and other greenhouse gases; 25
- “the relevant public bodies” are—
- (a) the Office for Environmental Protection (OEP),
 - (b) the Committee on Climate Change (CCC), 30
 - (c) local authorities in England,
 - (d) the Civil Aviation Authority (CAA),
 - (e) the Environment Agency (EA),
 - (f) the Health and Safety Executive (HSE),
 - (g) Historic England, 35
 - (h) National Highways,
 - (i) Natural England,
 - (j) Network Rail, and
 - (k) the UK Health Security Agency.

2 Environmental targets: particulate matter and nitrogen dioxide

- (1) In section 2(1) of the Environment Act 2021, for “set a target (“the PM_{2.5} air quality target”) in respect of the annual mean level of PM_{2.5} in ambient air”, substitute—

“establish limit values to be attained throughout England for the annual mean concentration in ambient air of—

 - (a) nitrogen dioxide (NO₂) to be less than or equal to 40 µg/m³ before 1 July 2026,
 - (b) NO₂ to be less than or equal to 20 µg/m³ before 1 January 2030, and
 - (c) PM_{2.5} to be less than or equal to 10 µg/m³ before 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_{2.5} air quality target” substitute “implementing the NO₂ and PM_{2.5} limit values”.
- (4) Omit subsections (6) and (7) of section 2 of the Environment Act 2021.

3 Reviewing and revising the pollutants and limits in Schedules 1 to 4

- (1) The Office for Environmental Protection (OEP) must on an annual basis review the pollutants and the limits set out in Schedules 1 to 3.
- (2) The OEP, in carrying out a review under subsection (1), must—
 - (a) take into account scientific knowledge, guidance and good practice statements on ambient air pollutants from the World Health Organisation (WHO),
 - (b) take advice from the UK Health Security Agency and epidemiologists about the effects of pollution on public health,
 - (c) take into account scientific knowledge, guidance and good practice statements on indoor air pollutants from the WHO,
 - (d) take advice from the Environment Agency about the effects of pollution on public health and the environment,
 - (e) take into account scientific knowledge and guidance on atmospheric pollutants from the United Nations Economic Commission for Europe (UNECE),
 - (f) consult and seek advice from scientists on the effects of air pollution on the environment,
 - (g) have regard to the effectiveness of the use of limit values in bringing down pollutant concentrations,
 - (h) with the aim of minimising harmful effects on human health, paying particular attention to vulnerable groups and sensitive populations, and the environment, ensure that limit values are set and updated for the concentrations of sulphur dioxide, nitrogen dioxide, particulate matter (PM₁₀ and PM_{2.5}), benzene, carbon monoxide, arsenic, cadmium, lead, nickel and polycyclic aromatic hydrocarbons in ambient air. Benzo(a)pyrene should be used as a marker for the carcinogenic risk of polycyclic aromatic hydrocarbons in ambient air,

- (i) apply the precautionary principle, and
 - (j) include a public consultation in accordance with the Aarhus Convention.
- (3) Following a review under subsection (1), the OEP must advise the Secretary of State as to— 5
 - (a) whether additional pollutants should be added to Schedules 1, 2 and 3, and
 - (b) whether the pollutant limits in those Schedules should be lowered in order to protect life, health or the environment.
- (4) In advising the Secretary of State under subsection (3), the OEP must have regard to— 10
 - (a) pollutant emissions and concentrations,
 - (b) human exposures and health impacts and outcomes,
 - (c) the need to address pollution across England in all settings where people spend time, including locations with the highest level of pollution, 15
 - (d) the need to set limits for short-, medium- and long-term time frames (see section 26),
 - (e) the needs of sensitive population groups including children, the elderly and other individuals who are particularly susceptible to air pollution, 20
 - (f) the need to avoid discrimination,
 - (g) emissions from contaminated land,
 - (h) exposure to pollutant concentrations when travelling by public transport in ambient air or underground,
 - (i) biogeographical region-specific ozone flux models and critical levels for individual plant species or groups, and 25
 - (j) emerging pollutants and hazards of concern.
- (5) The Committee on Climate Change (CCC) must on an annual basis review the pollutants and the limits listed in Schedule 4.
- (6) The CCC, in carrying out a review under subsection (5), must— 30
 - (a) take into account scientific knowledge and advice from the Intergovernmental Panel on Climate Change (IPCC),
 - (b) consult and seek advice from scientists about the effects of air pollution on the climate,
 - (c) apply the precautionary principle, and 35
 - (d) include a public consultation in accordance with the Aarhus Convention.
- (7) Following a review under subsection (5), the CCC must advise the Secretary of State as to—
 - (a) whether new pollutants should be added to Schedule 4, and 40
 - (b) whether the limits in Schedule 4 should be lowered
 in order to protect the environment and safeguard future generations, including emission limits on international aviation landing in or taking off from the United Kingdom and emissions from contaminated land.

- (8) In advising the Secretary of State under subsections (3) and (7), the OEP and the CCC may advise setting the limits for pollutants and emissions in under Schedules 1 to 4 for short-, medium- or long-term time frames (see section 26).

4 Amending the pollutants and limits in Schedules 1 to 4

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- (1) Following the receipt of advice under section 3, the Secretary of State must, in accordance with the advice received, lay before Parliament a draft statutory instrument containing an order amending Schedules 1 to 4 to—
- (a) include additional pollutants (and their limit values which may be zero), and 10
- (b) to lower any limits.
- (2) Following the publication of new guidance by the WHO, Intergovernmental 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. 15
- (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 under sections 3(3) and 3(7),
- (b) revised guidance and good practice statements from the WHO, IPCC and UNECE, and 20
- (c) the precautionary principle.
- (4) In case of conflict between the advice received under sections 3(3) and 3(7) and guidance and good practice statements under subsection (3)(b), any additional pollutants should be listed and the lower limit values should be adopted. 25
- (5) If the order makes provision different from that recommended by the OEP 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. 30
- (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. 35
- (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. 40

5 Secretary of State's duty: assessing air pollutants

- (1) *The Secretary of State must ensure –*
 - (a) *the accurate and regular assessment of air pollution in England, and*
 - (b) *the provision of detailed information about air pollution in England to the public* 5

and may make regulations by statutory instrument to comply with this duty.
- (2) Regulations about assessing air pollution in England under subsection (1) must ensure –
 - (a) the consistent use of established air pollution zones and agglomerations, 10
 - (b) the sampling, measurement and modelling of ambient air pollutants, including the deposition of pollutants, listed in Schedule 1,
 - (c) the sampling, measurement and reporting of indoor air pollutants listed in Schedule 2,
 - (d) the sampling, measurement and modelling of ambient pollutants causing primarily environmental harm listed in Schedule 3, and 15
 - (e) the sampling, measurement, modelling and reporting of other air pollutants causing climate change listed in Schedule 4.
- (3) The regulations must –
 - (a) require assessment of ambient air pollution in England in accordance with section 25 (environmental principles), 20
 - (b) require owners of buildings which –
 - (i) are used as places of work and to which health and safety provisions apply, or
 - (ii) are regularly accessed by members of the public, including children, 25

to assess and report concentrations of indoor air pollutants measured in representative locations relative to the most up-to-date WHO air quality guidelines and good practice statements,
 - (c) require developers to assess and report concentrations of indoor air pollutants measured in representative locations relative to the most up-to-date WHO air quality guidelines and good practice statements in newly refurbished or constructed residential developments throughout the first 12 months of occupation, 30
 - (d) require the assessment of the deposition of air pollutants in accordance with the criteria in the Gothenburg Protocol, 35
 - (e) require all UK-based companies of medium and large size to report their greenhouse gas pollutants,
 - (f) require the assessment of greenhouse gas pollutants in accordance with the requirements of the Climate Change Act 2008, and 40
 - (g) amend assessment methods in accordance with subsection (11) below.
- (4) For the purposes of paragraph (3)(e) above, a company is of medium or large size if, in the relevant financial year, it satisfies at least two of the following conditions –
 - (a) its turnover exceeds £10.1 million, 45

- (b) its balance sheet total exceeds £5.1 million, or
 - (c) it has more than 50 employees.
- (5) The regulations must require—
 - (a) the triggering of public alerts in cases where air pollution has exceeded specified levels, and 5
 - (b) the provision of daily information about ambient concentrations of the pollutants listed in Schedule 1 to members of the public through a range of formats and traditional and digital media.
- (6) The information under subsection (5) must include—
 - (a) an air quality index which— 10
 - (i) is updated hourly,
 - (ii) is presented in an easily understandable manner that is consistent with the presentation of other public health and environmental warnings, and
 - (iii) indicates the level of health concern, in accordance with WHO recommendations and guidance; 15
 - (b) information on observed exceedances of the limits listed in Schedule 1 presented as averages according to the relevant averaging period set out in Schedule 1;
 - (c) forecasts of ambient concentrations of the pollutants listed in Schedule 1 for that day and each of the following four days; 20
 - (d) information about the location and types of populations affected by exceedances under paragraph (b) including possible health effects and recommended behaviours; and
 - (e) information on possible sources of pollutants and recommendations for preventative actions that could be taken by those in charge of the sources to reduce pollution or exposure to it. 25
- (7) The regulations must ensure that, where any information threshold or alert threshold specified under Schedule 1 is forecast to be exceeded or actually exceeded, necessary steps are taken to inform members of the public expeditiously by means of radio, television, newspapers, the internet and social media including through the active distribution of media releases. 30
- (8) The Secretary of State must publish a report within six months of this section coming into force, and within the period of six months beginning with the end of each subsequent calendar year, summarising the effects of each of the pollutants exceeding the limits over the relevant time frame, according to the appropriate averaging period, listed in Schedules 1 to 4. 35
- (9) The OEP must review annually the Secretary of State's compliance with—
 - (a) the limits in Schedules 1 to 4, and
 - (b) subsections (1) to (8), during the previous calendar year. 40
- (10) Following the review under subsection (9), the OEP must advise the Secretary of State as to whether any methods of assessment, publication or reporting should be discontinued, amended or improved or whether methods of assessment, publication or reporting should be added with effect from the start of the subsequent calendar year. 45

- (11) Following the receipt of advice under subsection (10), the Secretary of State must lay before Parliament a draft statutory instrument containing an order amending assessment, publication or reporting methods in accordance with that advice, unless the OEP advises that no change is necessary
- (12) Before laying before Parliament a draft of a statutory instrument containing an order under subsection (11), the Secretary of State must take into account— 5
 - (a) the advice received under subsection (10),
 - (b) the precautionary principle, and
 - (c) the need to ensure continuity and comparability of reporting.
- (13) If the order makes provision different from that recommended by the OEP, the Secretary of State must also publish a statement setting out the reasons for that decision. 10
- (14) A statement under this section may be published in such manner as the Secretary of State thinks fit.
- (15) 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. 15

6 Secretary of State's duty: additional provisions

- (1) In carrying out their duty under section 1 of this Act, the Secretary of State must comply with the United Nations Convention on Long-Range Transboundary Air Pollution and its protocols. 20
- (2) In carrying out their duty under section 1 of this Act, the Secretary of State must work with the relevant national authorities and public bodies in the exercise of their powers under any enactment.
- (3) 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) presents an imminent and substantial threat to current or future public health or the environment, take proportionate and necessary action to restrain any person or persons responsible for causing or contributing to the alleged pollution, to stop the emission of air pollutants, and to preserve the right to breathe clean air. 25
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- (4) Within 14 days of exercising the power under subsection (3), the Secretary of State must lay a statement before both Houses of Parliament setting out—
 - (a) what action they took, and
 - (b) why, in the Secretary of State's opinion, such action was necessary and proportionate. 35
- (5) The Secretary of State must—
 - (a) implement a national public health campaign about air pollution to help the public understand its health impacts in ambient and indoor air; 40

- (b) take all practical steps to build public understanding about national and local pollution levels in ambient air sufficient to help individuals to reduce air pollution and their personal exposure to it;
 - (c) take all practical steps to build public understanding about indoor air quality sufficient to help individuals to reduce air pollution and their personal exposure to it; and 5
 - (d) take all necessary steps to ensure that adverse effects of air pollution on health are being sufficiently communicated to patients and their carers by medical and nursing professionals.
 - (6) The Secretary of State must by regulations – 10
 - (a) prohibit visible smoke from all buildings and installations in England from 1 July 2026;
 - (b) prohibit the installation of wood burning stoves in buildings and dwellings within Air Quality Management Areas in England from 1 January 2027; 15
 - (c) set limits for real-world emissions of wood burning appliances manufactured and sold within England from 1 January 2027 consistent with their duty under section 1;
 - (d) amend regulations relating to exemptions of solid fuels and wood burning appliances consistent with their duty under section 1; 20
 - (e) phase out the use of open fireplaces and wood burning stoves in buildings and dwellings located within the gas grid in England by 1 January 2032; and
 - (f) require the relighting and testing of gas appliances for carbon monoxide whenever practical by gas emergency services when they visit a premises. 25
 - (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.
 - (8) In carrying out their duty under section 1, the Secretary of State must ensure that public bodies put in place oversight mechanisms to ensure that air quality delivery plans are reviewed and consulted upon at least annually when limits in Schedule 1 are exceeded. 30
- 7 Secretary of State’s duty: clean indoor air**
- (1) The Secretary of State must by regulations made by statutory instrument require public bodies to sample, monitor and report indoor air quality in representative publicly accessible spaces and to publish strategies and plans annually to improve it. 35
 - (2) In carrying-out their duty under section 1 of this Act, the Secretary of State must publish guidance on the steps necessary to achieve clean indoor air in dwellings and other buildings in England while minimising energy use and heat loss. 40
 - (3) Guidance published under subsection (2) must–

- (a) emphasise the importance of air cleaning (see section 26) as the preferred approach over air treatment (see section 26);
 - (b) emphasise that ozone generators and plasma-based technologies produce pollutants which are harmful to health;
 - (c) explain that, while opening windows or doors for ventilation may reduce concentrations of carbon dioxide and some pollutants in indoor air, it may also increase heat loss from buildings in winter, require cooling of indoor air in summer and allow ingress of pollutants from ambient air and local sources of pollution; 5
 - (d) emphasise the importance of monitoring and reporting the energy use of air cleaning, air treatment, heating, ventilation and air conditioning systems and encourage the regular maintenance, repair, cleaning and improvement of such systems, including ductwork; 10
 - (e) be based on results from independent testing and internationally recognised technical performance standards and promote such approaches; and 15
 - (f) be updated at least annually and refer to the latest published version of any technical standards specified in the guidance.
- (4) The Secretary of State must designate a single Government department to hold overall responsibility for the development, coordination and effective implementation of indoor air quality policy across England. 20
- (5) 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.
- 8 Office for Environmental Protection** 25
- (1) The Environment Act 2021 is amended as follows.
- (2) In section 23, after subsection (2) insert—
- “(2A) In furthering its principal objective and exercising its functions, the OEP must —
- (a) contribute to achieving and maintaining clean air in England, and
 - (b) have regard to the right to breathe clean air, as prescribed by the Clean Air (Human Rights) Act 2026.” 30
- 9 Committee on Climate Change**
- (1) The Climate Change Act 2008 is amended as follows. 35
- (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 emission limits under section 3 (reviewing and revising pollutants and limits in Schedules 1 to 4) of, and Schedule 4 to, the Clean Air (Human Rights) Act 2026.” 40

- (3) In section 38 (duty to provide advice or other assistance on request) after subsection (1)(d), insert –

“(e) the authority’s duty under the Clean Air (Human Rights) Act 2026.”

10 Local authorities

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- (1) *Local authorities in England have a duty, subject to subsection (2), to achieve clean air throughout their area before 1 January 2030 and maintain clean air throughout their area thereafter.*

- (2) Where the Secretary of State has postponed the deadline under section 1 of this Act by a maximum of up to 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 –

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- (a) take into account advice from the OEP and the CCC,
- (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 must be before 1 January 2035.

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- (3) In carrying out their duty under subsection (1), local authorities in England must exercise their powers and functions, including under section 2 of the Local Government Act 2000 (promotion of wellbeing) and any other enactment to improve the environmental wellbeing of their local area and reduce exposure for members of the public to the pollutants listed in Schedule 1 in accordance with the duty set out in subsection (1).

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- (4) Local authorities must –

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- (a) include strategies to address all pollutants in Schedule 1 in their annual status reports on air quality under section 82 of the Environment Act 1995;
- (b) take immediate action where there is evidence that limits in their area are exceeded.

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- (5) *The Secretary of State must provide money to local authorities from central funds sufficient for them to carry out their duties under this Act.*

- (6) In this section, the enactments include but are not limited to any enactment governing a local authority’s functions in relation to –

- (a) regulating ambient air quality or controlling pollution and emissions at source;
- (b) the climate;
- (c) contaminated land;
- (d) culture and leisure services;
- (e) economic development;
- (f) education;
- (g) environmental services;
- (h) housing;

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- (i) land use planning and building regulations;
 - (j) licensing;
 - (k) procurement;
 - (l) public safety;
 - (m) social services; 5
 - (n) statutory nuisance;
 - (o) transport and highways including actions as a Highways Authority; and
 - (p) any such other areas deemed suitable for controlling emissions to the air. 10
- (7) Notwithstanding any other provision of this Act, local authorities must, upon receipt of evidence that a pollution source or combination of sources (including moving sources) presents an imminent and substantial threat to current or future public health or the environment in their area, take proportionate and necessary action to restrain any person or persons responsible for causing or contributing to the alleged pollution, to stop the emission of air pollutants, and to preserve the right to breathe clean air. 15
- (8) In this section “local authority” means, in relation to England –
 - (a) a county council;
 - (b) a district council; 20
 - (c) a unitary authority;
 - (d) a London borough council;
 - (e) the Mayor of London and other elected Mayors;
 - (f) the Common Council of the City of London in its capacity as a local authority; 25
 - (g) the Council of the Isles of Scilly;
 - (h) a combined authority;
 - (i) port authorities.
- (9) In this section “port authority” means, in relation to England, a statutory harbour body established for the purpose of administering, preserving and improving a port, including an airport, that may include docks, landing places or other works or land. 30

11 Civil Aviation Authority

- (1) The CAA must in exercising its functions –
 - (a) contribute to the maintenance of clean air in England, and 35
 - (b) apply the provisions of the UN Convention on Transboundary Pollution and its protocols.
- (2) The Civil Aviation Act 1982 is amended as follows.
- (3) In section 4 (general objectives), after subsection (1)(b) insert –
 - “(c) to contribute to the maintenance of clean air in England and respect for the right to breathe clean air under section 1 of the Clean Air (Human Rights) Act 2026.” 40

12 Environment Agency

- (1) The Environment Act 1995 is amended as follows.
- (2) In section 4(1) (principal aim and objectives of the Agency) –
 - (a) after “other enactment” insert “including the Clean Air (Human Rights) Act 2026 and any other enactment governing the EA’s functions in relation to the regulation of ambient air quality or controlling pollution and emissions at source”, and
 - (b) after “whole”, insert “including to achieve and maintain clean air throughout England”.

13 Health and Safety Executive

- (1) The Health and Safety Executive (HSE) must, in exercising its functions, protect the right to breathe clean air, including at workplaces and at outdoor events.
- (2) The HSE must compile records of incidents related to air pollution.
- (3) The HSE must work with the UK Health Security Agency to produce guidance for employers, employees and the public on the right to breathe clean air.
- (4) The Secretary of State must use their powers under the Health and Safety at Work etc. Act 1974 to amend the Workplace (Health, Safety and Welfare) Regulations 1992 in such a way as to require minimum standards for clean air to be achieved and maintained in workplaces and at public events.
- (5) The HSE must publish guidance for those organising outdoor events which may or may not be attended by members of the public in ambient air where clean air limits are expected to be exceeded in the short term for the issuing of advance warnings to participants and officials with advice and details of the precautions to be taken.
- (6) For the purposes of this section, “outdoor events” refers to outdoor sporting, cultural or training activities whether held on a one-off or recurring basis and open to participants, spectators or both, with or without tickets.

14 Historic England

- (1) The National Heritage Act 1983 is amended as follows.
- (2) In section 33 (the Commission’s general functions), after subsection (2)(f) insert –
 - “(g) shall contribute towards achieving and maintaining clean air, as prescribed by the Clean Air (Human Rights) Act 2026.”

15 National Highways

- (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 (Human Rights) Act 2026,
 - (ab) to follow instructions given to it by the Secretary of State to contribute to the achievement of clean air,”
- (3) The Road Traffic Reduction (National Targets) Act 1998 is amended as follows.
- (4) In section 2, subsection 2(3)(b), for “effects on air quality” substitute “compliance with targets set in accordance with section 1 of the Clean Air (Human Rights) Act 2026”.

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16 Natural England

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- (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 (Human Rights) Act 2026.”

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17 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 2026.”

18 UK Health Security Agency

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- (1) After section 2B (functions of local authorities and Secretary of State as to improvement of public health) of the National Health Service Act 2006, insert –

“2C Duty of UK Health Security Agency in relation to clean air

The UK Health Security Agency must contribute towards achieving and maintaining clean air, as prescribed by the Clean Air (Human Rights) Act 2026.”

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- (2) The UKHSA must distribute media releases and publish timely information to warn the public before and during at least five air pollution episodes in England in each calendar year for each of PM_{2.5} and O₃.
- (3) The UKHSA must publish estimates annually of the number of premature deaths attributable to each of the top five worst air pollution episodes in England for each of PM_{2.5} and O₃ in the preceding calendar year.

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19 Powers, duties and functions of public bodies

- (1) The Secretary of State must review at least biennially the powers available to public bodies, including local authorities, to deliver clean air.
- (2) Public bodies must take steps to improve indoor air quality by –

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- (a) sampling, monitoring and reporting indoor air quality in publicly accessible spaces for which they are responsible,
 - (b) publishing annual plans and strategies for improving the quality of indoor air,
 - (c) ensuring that indoor air quality is improved while minimising energy consumption and heat loss in any buildings for which they are responsible, and
 - (d) ensuring that all indoor air in buildings for which they are responsible is consistent with the right to breathe clean air.
- (3) Public bodies may seek to contribute to the achievement of clean air by promoting the use of clean renewable energy in buildings and in relation to services for which they are responsible.

20 Planning authorities: clean air

- (1) The Secretary of State must publish national guidance at least annually for the assessment of air quality as a material consideration in all planning applications and decisions.
- (2) Planning authorities must, in carrying out their functions in relation to planning provisions—
 - (a) ensure that compliance with air quality targets is measured or modelled to at least three significant figures with non-zero figures being significant,
 - (b) avoid any exceedances of air pollutant limit values,
 - (c) aim to achieve zero air pollutants,
 - (d) consider fully the cumulative impact on air quality of permitted developments, and
 - (e) have regard to the guidance issued by the Secretary of State under this section.
- (3) Planning authorities may seek to contribute to the achievement of clean air by promoting the use of clean, renewable energy in developments, including by permitting only zero emission appliances.

21 Judicial review and other legal proceedings

- (1) The OEP must institute or seek to intervene in legal proceedings, whether for judicial review or otherwise, if it appears to the OEP that the proceedings are relevant to the duty to achieve and maintain clean air and compliance with relevant duties, powers and functions under any enactment.
- (2) The OEP may assist an individual who is or may become party to legal proceedings if—
 - (a) the proceedings relate to, 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) they have reason to believe that an individual was a victim of a breach of the right to breathe clean air.
- (3) The OEP may assist individuals with actions for private nuisance in relation to the right to breathe clean air.

22 Duty to maintain clear air: assessment and enforcement

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- (1) The Office for Environmental Protection (OEP) must assess the extent to which the Secretary of State, the relevant public bodies and others have complied with their duties under this Act.
- (2) Where the OEP has reason to believe that any persons or relevant public bodies have failed to comply with their duty, the OEP shall issue a notice requiring them—
 - (a) to comply with their duty,
 - (b) to take specific steps in order to achieve compliance, and
 - (c) to provide to the OEP written information of the steps taken, or proposed to be taken, for the purpose of complying with their duty.
- (3) A notice issued by the OEP under subsection (2) must specify—
 - (a) the period of time which the information must cover, and
 - (b) the manner in which the information is to be provided.
- (4) A person or public authority which receives a notice under this section must comply with it within the period of 28 days beginning with the day on which they received the notice.
- (5) If the OEP has reason to believe that a person or public authority which has received a notice under this section has failed to comply with a requirement of the notice, the OEP shall apply to the Court for an order requiring the person or public authority (as the case may be) to comply.

23 Duty to maintain clean air: reporting and information-sharing

- (1) The OEP must—
 - (a) report annually to the Secretary of State on the Secretary of State's compliance with the provisions of this Act, and
 - (b) send a copy of this report to the European Environment Agency (EEA).
- (2) The Secretary of State must lay a copy of the report before Parliament as soon as is practicable after receipt.
- (3) The Secretary of State must provide the EEA with regular and sufficient information about air pollutants monitored or emitted within the UK to assist it in developing and evaluating relevant environmental policy for the mutual benefit of the UK and the European Union.

24 Defences

In any claim under the Human Rights Act 1998 or under this Act it shall be a defence—

- (a) for the Secretary of State that they have complied with their duties under this Act, and
- (b) for public authorities, including local authorities, to show that they have exercised all their powers to prevent and deal with air pollution.

25 Environmental principles

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In exercising their functions and carrying out their duties under this Act and any relevant enactment, the Secretary of State and the relevant public bodies 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; 10
- (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 must not be used as a reason for postponing cost-effective measures to prevent harm; 15
- (c) polluter pays, which means that the costs of pollution or of clean-up should be borne by the person responsible for causing the pollution;
- (d) use of the best available scientific knowledge;
- (e) rectification at source, which means that environmental damage should, as a priority, be remedied at its source; 20
- (f) integration, which means that environmental protection requirements should be integrated into the definition and implementation of all policies and activities, in particular with a view to promoting sustainable development;
- (g) conservation of the ecosystem structure and functioning, in order to maintain ecosystem services; 25
- (h) anticipation, prevention or minimisation of the causes of climate change and mitigation of its adverse effects;
- (i) sustainability, which means to take into account the health of present generations and the needs of future generations; and 30
- (j) air quality standards must not fall below those which apply in the European Union under the most recent Directives relating to ambient air and national emission reduction commitments.

26 Interpretation

In this Act – 35

“The Aarhus Convention” means the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, adopted on 25 June 1998;

in Schedule 3, “AOT40” is the accumulated amount of ozone over the threshold value of 40 parts per billion; 40

“air cleaning” means the removal of particulate matter and other pollutants including gases and bioaerosols from indoor air;

“air treatment” means methods such as humidification/dehumidification, ozone generation, plasma-based technology, ventilation or air

disinfection which may not remove particulate matter and other pollutants including gases and bioaerosols from indoor air;

“combustion appliance” includes—

- (a) boilers fired by gaseous fuels which have a rated heat power output of less than 1MW; 5
- (b) solid fuel boilers with a rated heat output of less than 1MW;
- (c) combined cooling, heat and power plant;
- (d) combined heat and power plant;
- (e) domestic and commercial cooking equipment;
- (f) firepits, fireplaces and wood burning stoves; 10
- (g) non-road mobile machinery;
- (h) stationary generators with a rated thermal output of less than 1MW;

“contaminated land” means land which meets the legal definition of contaminated land under Part 2A of the Environmental Protection Act 1990; 15

“indoor air” refers to the quality of air in buildings, dwellings and publicly accessible spaces;

“limits” means the concentrations, emissions or exposures set out in Schedules 1 to 4; 20

“long-term” means a period of time of a calendar year or more;

“medium-term” means a period of time of more than 24 hours and less than a calendar year;

“relevant public bodies” has the meaning given in section 1;

“pollutants causing primarily environmental harm” includes those causing acidification, eutrophication, haze or smog as listed in Schedule 3; 25

“renewable energy” means energy generated from any naturally occurring, theoretically inexhaustible, source such as solar, wind, tidal, geothermal or hydroelectric power, excluding non-renewable sources such as fossil fuels, biomass, wood and nuclear fuels; 30

“short-term” means a period of time less than or equal to 24 hours;

“units” are the maximum permitted mathematical mean for the averaging period defined to at least three significant figures whereby all non-zero digits are significant.

27 Extent, commencement and short title 35

- (1) This Act extends to England and Wales, subject to subsection (2).
- (2) Any amendment made by this Act has the same extent as the provision amended.
- (3) Except as provided for by subsection (4), this Act comes into force on the day on which it is passed. 40
- (4) Section 5 comes into force on such day as the Secretary of State may by regulations made by statutory instrument appoint, provided this is within 12 months of the passing of this Act.

- (5) This Act may be cited as the Clean Air (Human Rights) Act 2026.

SCHEDULES

SCHEDULE 1

Section 1

POLLUTANTS RELATING TO LOCAL AND ATMOSPHERIC POLLUTION

1 Pollutant concentrations

<i>Pollutant</i>	<i>Unit</i>	<i>Averaging period</i>	
Black carbon	6 µg/m ³	24 hours (35 permitted exceedances per year)	5
	3 µg/m ³	1 year	
Benzene (C ₆ H ₆)	3.5 µg/m ³	1 year	
1, 3 Butadiene	2.25 µg/m ³	1 year	10
Formaldehyde (HCHO)	8.6 µg/m ³	1 year	
Ground-level ozone (O ₃)	240 µg/m ³ (alert threshold)	1 hour	
	180 µg/m ³ (information threshold)	1 hour	15
	100 µg/m ³	Running 8 hours (3 permitted exceedance days per year)	
	60 µg/m ³	Peak season*	
Lead	0.25 µg/m ³	1 year	20
Nitrogen dioxide (NO ₂)	200 µg/m ³	1 hour (18 permitted exceedances each year)	
	25 µg/m ³	24 hours	
	10 µg/m ³	1 year	
Particulate matter (PM _{0.1} , PM ₁ , PM _{2.5} and PM ₁₀)	PM _{0.1} : 2000 particles/cm ³	1 hour	25
	PM _{0.1} : 1000 particles/cm ³	24 hours	
	PM ₁ : 10 µg/m ³	24 hours (4 permitted exceedance days per year)	30
	PM ₁ : 3.5 µg/m ³	1 year	
	PM _{2.5} : 80 µg/m ³ (alert level)	Running 8 hours	
	PM _{2.5} : 15 µg/m ³	24 hours (4 permitted exceedance days per year)	35

<i>Pollutant</i>	<i>Unit</i>	<i>Averaging period</i>
	PM _{2.5} : 5 µg/m ³	1 year
	PM ₁₀ : 45 µg/m ³	24 hours (4 permitted exceedance days per year)
	PM ₁₀ : 15 µg/m ³	1 year
Polycyclic Aromatic Hydrocarbons (PAHs) expressed as concentration of benzo(a)pyrene	0.25 ng/m ³	1 year
Sulphur dioxide (SO ₂)	500 µg/m ³	10 minutes (24 permitted exceedances per year)
	40 µg/m ³	24 hours (4 permitted exceedance days per year)

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*Average of daily maximum 8-hour mean O₃ concentration in the six consecutive months with the highest six-month running-average O₃ concentration.

2 Pollutant exposures

<i>Pollutant</i>	<i>Unit</i>	<i>Averaging period</i>
Particulate matter (PM _{2.5})	PM _{2.5} : 4 µg/m ³ (population weighted exposure within each zone and agglomeration)	5% per calendar year until the limit is reached

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SCHEDULE 2

Section 1

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INDOOR AIR POLLUTANTS

1 Biological indoor air pollutants (dampness and mould)

<i>Pollutant</i>	<i>Concentration</i>	<i>Averaging period</i>
Dampness	Zero	n/a
Mould	Zero	n/a

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2 Pollutant-specific guidelines (chemical pollution)

<i>Pollutant</i>	<i>Unit</i>	<i>Averaging period</i>	
Benzene (C ₆ H ₆)	3.5 µg/m ³	1 year	
1, 3 Butadiene	2.25 µg/m ³	1 year	
Carbon monoxide (CO)	4 mg/m ³	24 hours	5
	10 mg/m ³	8 hours	
	35 mg/m ³	1 hour	
	100 mg/m ³	15 minutes	
Formaldehyde (HCHO)	8.6 µg/m ³	1 year	10
Hydrogen cyanide (HCN)	Zero	n/a	
Hydrogen sulphide (H ₂ S)	7 µg/m ³	30 minutes	15
	0.15 µg/m ³	24 hours	
Nitrogen dioxide (NO ₂)	200 µg/m ³	1 hour (no exceedances)	
	25 µg/m ³	24 hours	
	10 µg/m ³	1 year	
Naphthalene	0.01 mg/m ³	1 year	20
Polycyclic aromatic hydrocarbons (PAHs) expressed as concentration of benzo(a)pyrene	Zero	n/a	25
Radon	100 becquerels/m ³	3 months	
Tetrachloroethylene	0.25 mg/m ³	1 year	
Trichloroethylene	Zero	n/a	
Particulate matter (PM _{0.1} , PM ₁ , PM _{2.5} and PM ₁₀)	PM _{0.1} :2000 particles/cm ³	1 hour	30
	PM _{0.1} :1000 particles/cm ³	24 hours	
	PM ₁ : 10 µg/m ³	24 hours (4 permitted exceedance days per year)	35
	PM ₁ : 3.5 µg/m ³	1 year	
	PM _{2.5} : 15 µg/m ³	24 hours (4 permitted exceedance days per year)	
	PM _{2.5} : 5 µg/m ³	1 year	

<i>Pollutant</i>	<i>Unit</i>	<i>Averaging period</i>
	PM ₁₀ : 45 µg/m ³	24 hours (4 permitted exceedance days per year)
	PM ₁₀ : 15 µg/m ³	1 year

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3 Pollutant concentrations

<i>Pollutant</i>	<i>Unit</i>	<i>Averaging period</i>
Particulate matter (PM _{0.1} , PM ₁ , PM _{2.5} and PM ₁₀)	PM _{0.1} : 2000 particles/cm ³	1 hour
	PM _{0.1} : 1000 particles/cm ³	24 hours
	PM ₁ : 10 µg/m ³	24 hours (4 permitted exceedance days per year)
	PM ₁ : 3.5 µg/m ³	1 year
	PM _{2.5} : 15 µg/m ³	24 hours (4 permitted exceedance days per year)
	PM _{2.5} : 5 µg/m ³	1 year
	PM ₁₀ : 45 µg/m ³	24 hours (4 permitted exceedance days per year)
	PM ₁₀ : 15 µg/m ³	1 year

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SCHEDULE 3

Section 1

POLLUTANTS CAUSING PRIMARILY ENVIRONMENTAL HARM

1 Pollutant concentrations

<i>Pollutant</i>	<i>Unit</i>	<i>Calendar year</i>
Ammonia (NH ₃)	3 µg/m ³	1 year
Ground-level ozone (O ₃)	AOT40 (calculated from 1 hour values) 6,000 µg/m ³ hours	Summer (1 April to 30 September)
Nitrogen oxides (NO _x) (expressed as NO ₂)	75 µg/m ³	24 hours
	30 µg/m ³	Calendar year
Sulphur dioxide (SO ₂)	20 µg/m ³	Calendar year and winter (1 October to 31 March)

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2 Pollutant emissions

<i>Pollutant</i>	<i>Unit</i>	<i>Calendar year</i>	
Ammonia (NH ₃)	281 kilotonnes	2005	5
	249 kilotonnes	2023	
	236 kilotonnes	2030	
Non-methane volatile organic compounds (NMVOCs)	1,144 kilotonnes	2005	10
	628 kilotonnes	2023	
	698 kilotonnes	2030	
Oxides of nitrogen (NO _x)	1,701 kilotonnes	2005	15
	578 kilotonnes	2023	
	459 kilotonnes	2030	
Particulate matter (PM _{2.5})	105 kilotonnes	2005	
	56 kilotonnes	2023	
	57 kilotonnes	2030	
Sulphur dioxide (SO ₂)	760 kilotonnes	2005	20
	95 kilotonnes	2023	
	91 kilotonnes	2030	

SCHEDULE 4

Section 1

POLLUTANTS CAUSING CLIMATE CHANGE

1 Non-fluorinated gases

<i>Pollutant or measure</i>	<i>MtCO₂e</i>	<i>Period or calendar year</i>	
“Net UK carbon account” as defined in section 27 of the Climate Change Act 2008	2,544	2018 to 2022 (3rd budget)	30
	1,950	2023 to 2027 (4th budget)	
	1,725	2028 to 2032 (5th budget)	
	965	2033 to 2037 (6th budget)	35
	535	2038 to 2042 (7th budget)	
	Zero	2050	

<i>Pollutant or measure</i>	<i>MtCO₂e</i>	<i>Period or calendar year</i>
Methane (CH ₄)	Reduce emissions by around 30% below 2020 levels	2030
Nitrous oxide (N ₂ O)	Reduce emissions by around 15% below 2019 levels	2030

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2 Fluorinated gases

<i>Pollutant</i>	<i>MtCO₂e</i>	<i>Period or calendar year</i>
Hydrofluorocarbons	Reduce emissions by at least 79% below 2015 levels	2030
	Reduce emissions by at least 86% below 2015 levels	2036
Nitrogen trifluoride	Reduce emissions by at least 68% below 2016 levels	2030
Perfluorocarbons	Reduce emissions by at least 68% below 2016 levels	2030
Sulphur hexafluoride	Reduce emissions by at least 68% below 2016 levels	2030

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Clean Air (Human Rights) Bill

[AS INTRODUCED]

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Establish the right to breathe clean air; to require the Secretary of State to achieve and maintain clean air in England; to make provision about environmental targets and minimum standards in relation to clean air; to make provision about the powers, duties and functions of public bodies in England in relation to air pollution; to give the Office for Environmental Protection additional powers and duties related to clean air; to require the Secretary of State to comply with the United Nations Convention on Long-Range Transboundary Air Pollution; to require the Secretary of State and public authorities to apply specified environmental principles in carrying out their duties under this Act; and for connected purposes.

*Presented by Siân Berry
supported by Ms Stella Creasy, Bell Ribeiro-Addy,
Wera Hobhouse, Shockat Adam, Seamus Logan,
Claire Hanna, Afzal Khan, Dr Ellie Chowns,
Ruth Jones, Uma Kumaran and Dr Roz Savage.*

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