



Law Society
of Scotland

Consultation Response

Air quality: draft Clean Air Strategy 2018

August 2018



Introduction

The Law Society of Scotland is the professional body for over 11,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

Our Environmental Law sub-committee welcomes the opportunity to consider and respond to Defra's consultation: *draft Clean Air Strategy 2018*.¹ We do not seek to answer the consultation questions and the sub-committee has the following general comments to put forward for consideration.

General comments

We note that this consultation focuses on matters relating to air quality in England and we welcome the commitment by the UK Government to work in partnership with the devolved administrations.

As highlighted in the draft strategy, air quality is transboundary in nature. In the context of air quality therefore, perhaps more so than other environmental standards, we consider that there is a need for strong integration and collaboration between jurisdictions. We do note that the paper does not appear to reflect in detail the complexity of the devolution settlement and the interplay between reserved and devolved matters. It is important that policies which cross the jurisdictional boundaries are produced by way of a collaborative process involving all the administrations which have responsibility for the particular issue.

We note that if there is a lack of consistency between jurisdictions both in terms of regulation and enforcement, there is potential for 'pollution tourism' to arise, whereby individuals or businesses take the opportunity to select the most favourable jurisdiction for their desired purpose. We highlight therefore the need for equivalent mechanisms for standard setting and enforcement across the jurisdictions.

¹ <https://consult.defra.gov.uk/environmental-quality/clean-air-strategy-consultation/>



Law Society
of Scotland

For further information, please contact:

Alison McNab

Policy Team

Law Society of Scotland

DD: 0131 476 8109

AlisonMcNab@lawscot.org.uk