

ERCS Summary of Recommendations

An enforceable human right to a healthy environment

The substantive part:

- > Clean air
- > A safe climate
- > Access to safe water and adequate sanitation
- > Healthy and sustainably produced food
- > Non-toxic environments in which to live, work, study and play
- > Healthy biodiversity and ecosystems

Recommendations

Guarantee the highest standards for the six features

- > Define to the highest standards
- > Enforce against public bodies and polluters
- > Oblige duty bearers to comply
- > Courts to apply environmental principles
- > Provide effective remedies

Key legislative processes in 2022/3

- > Human Rights (Scotland) Bill
- > Consultation on environmental principles

The procedural part:

- > Access to information
- > Participation in decision making
- > Access to justice

Recommendations

Reform legal expenses so that it is affordable for all of us to uphold environmental laws in a court or tribunal

- > Reform legal aid
- > Replace loser pays rule with qualified one way costs shifting
- > Remove court fees

Key legislative processes in 2022/3

- > Legal Aid Reform Bill
- > Consultation on court fees

Recommendations

Create a specialist environmental court or tribunal which is affordable and accessible for everyone, fair, timely and effective

- > An institutional purpose to promote access to justice
- > Ability to appoint judges and experts
- > Comprehensive jurisdiction
- > Powers to set rules and procedures
- > Act as a one-stop shop

Key legislative processes in 2022/3

- > Consultation on environmental court