



Environment (Wales) Act 2016

2016 anaw 3

PART 2

CLIMATE CHANGE

Regulations: procedure and advice

48 Regulations: procedure

- (1) A power to make regulations under this Part is to be exercised by statutory instrument.
- (2) A statutory instrument is subject to annulment in pursuance of a resolution of the National Assembly for Wales if it contains only—
 - (a) regulations under section 44(1)(b) which do not make provision amending or repealing an enactment contained in an Act of Parliament or a Measure or Act of the National Assembly for Wales;
 - (b) regulations under section 52.
- (3) Any other statutory instrument containing regulations under this Part may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.

49 Requirement to obtain advice about proposals to make regulations

- (1) Before laying draft regulations before the National Assembly for Wales in accordance with section 48, the Welsh Ministers must—
 - (a) request advice from the advisory body about the proposal to make the regulations, and
 - (b) take the advisory body's advice into account.
- (2) When the Welsh Ministers request advice from the advisory body under this section, they must specify a reasonable period within which the advice must be provided.
- (3) The advisory body must provide the advice within that period.

Changes to legislation: There are currently no known outstanding effects for the Environment (Wales) Act 2016, Cross Heading: Regulations: procedure and advice. (See end of Document for details)

- (4) The advisory body's advice must set out the reasons for the advice.
- (5) The Welsh Ministers must publish the advisory body's advice as soon as reasonably practicable after receiving it.
- (6) If the draft regulations laid before the National Assembly for Wales make different provision from that recommended by the advisory body, the Welsh Ministers must also lay before the National Assembly a statement setting out the reasons why.
- (7) This section does not apply to regulations under section 44.

50 Advice about proposed regulations relating to targets and budgets

- (1) When the advisory body provides the Welsh Ministers with advice about a proposal to make regulations under section 29 changing the 2050 emissions target or regulations under section 30 setting or changing an interim emissions target, the advice must include the advisory body's opinion as to—
 - (a) whether the target proposed by the Welsh Ministers is the highest achievable target, and
 - (b) if not, what is the highest achievable target.
- (2) When the advisory body provides the Welsh Ministers with advice about a proposal to make regulations under section 31 setting or changing a carbon budget for a budgetary period, the advice must include the advisory body's opinion as to—
 - (a) the appropriate level of the carbon budget for the period;
 - (b) the extent to which the carbon budget for the period should be met—
 - (i) by reducing the amount of net Welsh emissions of greenhouse gases, or
 - (ii) by the use of carbon units that in accordance with regulations under sections 33 and 36 may be credited to the net Welsh emissions account for the period;
 - (c) the respective contributions towards meeting the carbon budget for the period that should be made—
 - (i) by the sectors of the Welsh economy covered by trading schemes (taken as a whole);
 - (ii) by the sectors of the Welsh economy not so covered (taken as a whole);
 - (d) the sectors of the Welsh economy in which there are particular opportunities for contributions to be made towards meeting the carbon budget for the period through reductions in emissions of greenhouse gases.
- (3) When advising the Welsh Ministers about a proposal to make regulations changing the 2050 emissions target, or setting or changing an interim emissions target or a carbon budget, the advisory body must have regard to the matters mentioned in section 32(3).
- (4) In subsection (2), “trading scheme” has the meaning given by section 44 of the Climate Change Act 2008 (c. 27).

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