



# Climate Change Act 2008

## 2008 CHAPTER 27

### PART 2

#### THE COMMITTEE ON CLIMATE CHANGE

##### *The Committee*

### **32 The Committee on Climate Change**

- (1) There shall be a body corporate to be known as the Committee on Climate Change or, in Welsh, as y Pwyllgor ar Newid Hinsawdd (referred to in this Part as “the Committee”).
- (2) Schedule 1 contains further provisions about the Committee.

##### *Functions of the Committee*

### **33 Advice on level of 2050 target**

- (1) It is the duty of the Committee to advise the Secretary of State on—
  - (a) whether the percentage specified in section 1(1) (the target for 2050) should be amended, and
  - (b) if so, what the amended percentage should be.
- (2) Advice given by the Committee under this section must also contain the reasons for that advice.
- (3) The Committee must give its advice under this section not later than 1st December 2008.
- (4) The Committee must, at the time it gives its advice under this section to the Secretary of State, send a copy to the other national authorities.

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- (5) As soon as is reasonably practicable after giving its advice to the Secretary of State, the Committee must publish that advice in such manner as it considers appropriate.

### **34 Advice in connection with carbon budgets**

- (1) It is the duty of the Committee to advise the Secretary of State, in relation to each budgetary period, on—
- (a) the 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 UK emissions of targeted greenhouse gases, or
    - (ii) by the use of carbon units that in accordance with regulations under sections 26 and 27 may be credited to the net UK carbon 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 economy covered by trading schemes (taken as a whole);
    - (ii) by the sectors of the economy not so covered (taken as a whole), and
  - (d) the sectors of the 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 targeted greenhouse gases.
- (2) In relation to the budgetary period 2008-2012, the Committee must also advise the Secretary of State on—
- (a) whether it would be consistent with its advice on the level of the carbon budget for the period to set a carbon budget such that the annual equivalent for the period was lower than the 1990 baseline by 20%, and
  - (b) the costs and benefits of setting such a budget.
- (3) Advice given by the Committee under this section must also contain the reasons for that advice.
- (4) The Committee must give its advice under this section—
- (a) for the budgetary periods 2008-2012, 2013-2017 and 2018-2022, not later than 1st December 2008;
  - (b) for any later period, not later than six months before the last date for setting the carbon budget for the period (see section 4(2)(b)).
- (5) The Committee must, at the time it gives its advice under this section to the Secretary of State, send a copy to the other national authorities.
- (6) As soon as is reasonably practicable after giving its advice under this section the Committee must publish that advice in such manner as it considers appropriate.

### **35 Advice on emissions from international aviation and international shipping**

- (1) It is the duty of the Committee to advise the Secretary of State on the consequences of treating emissions of targeted greenhouse gases from—
- (a) international aviation, and
  - (b) international shipping,

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as emissions from sources in the United Kingdom for the purposes of Part 1.

- (2) The duty applies if and to the extent that regulations under section 30 do not provide for such emissions to be so treated.
- (3) Advice given by the Committee under this section must also contain the reasons for that advice.
- (4) The Committee must give its advice under this section—
  - (a) when it gives its advice under section 34 for the budgetary period 2023-2027, and
  - (b) when it gives its advice under that section for each subsequent budgetary period.
- (5) The Committee must, at the time it gives its advice under this section to the Secretary of State, send a copy to the other national authorities.
- (6) As soon as is reasonably practicable after giving its advice to the Secretary of State, the Committee must publish that advice in such manner as it considers appropriate.

### **36 Reports on progress**

- (1) It is the duty of the Committee to lay before Parliament and each of the devolved legislatures each year, beginning with the year 2009, a report setting out the Committee's views on—
  - (a) the progress that has been made towards meeting the carbon budgets that have been set under Part 1 and the target in section 1 (the target for 2050),
  - (b) the further progress that is needed to meet those budgets and that target, and
  - (c) whether those budgets and that target are likely to be met.
- (2) The Committee's report in the second year after the end of a budgetary period must also set out the Committee's general views on—
  - (a) the way in which the budget for the period was or was not met, and
  - (b) action taken during the period to reduce net UK emissions of targeted greenhouse gases.
- (3) The first report under this section must be laid before Parliament and the devolved legislatures not later than 30th September 2009.
- (4) Each subsequent report under this section, other than one in the second year after the end of a budgetary period, must be laid before Parliament and the devolved legislatures not later than 30th June in the year in which it is made.
- (5) A report in the second year after the end of a budgetary period must be laid before Parliament and the devolved legislatures not later than 15th July in the year in which it is made.
- (6) The Secretary of State may by order extend the period mentioned in subsection (4) or (5).
- (7) Before making such an order the Secretary of State must consult the other national authorities.
- (8) Any such order is subject to negative resolution procedure.

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### **37 Response to Committee's reports on progress**

- (1) The Secretary of State must lay before Parliament a response to the points raised by each report of the Committee under section 36 (reports on progress).
- (2) Before doing so, the Secretary of State must consult the other national authorities on a draft of the response.
- (3) The response to the Committee's first report under section 36 must be laid before Parliament not later than 15th January 2010.
- (4) Each subsequent response must be laid before Parliament not later than 15th October in the year in which the Committee's report is made.
- (5) The Secretary of State may by order extend that period.
- (6) Any such order is subject to negative resolution procedure.

### **38 Duty to provide advice or other assistance on request**

- (1) The Committee must, at the request of a national authority, provide advice, analysis, information or other assistance to the authority in connection with—
  - (a) the authority's functions under this Act,
  - (b) the progress made towards meeting the objectives set by or under this Act,
  - (c) adaptation to climate change, or
  - (d) any other matter relating to climate change.
- (2) In particular, the Committee must, at the request of a national authority—
  - (a) advise the authority about any limit proposed to be set by a trading scheme on the total amount of the activities to which the scheme applies, or
  - (b) assist the authority in connection with the preparation of statistics relating to greenhouse gas emissions.
- (3) The Committee must, at the request of a national authority other than the Secretary of State, provide advice, analysis, information or other assistance to the authority in connection with any target, budget or similar requirement relating to emissions of greenhouse gas that has been adopted by the authority or to which the authority is otherwise subject.

### *Supplementary provisions*

### **39 General ancillary powers**

- (1) The Committee may do anything that appears to it necessary or appropriate for the purpose of, or in connection with, the carrying out of its functions.
- (2) In particular the Committee may—
  - (a) enter into contracts,
  - (b) acquire, hold and dispose of property,
  - (c) borrow money,
  - (d) accept gifts, and
  - (e) invest money.

- (3) In exercising its functions, the Committee may—
  - (a) gather information and carry out research and analysis,
  - (b) commission others to carry out such activities, and
  - (c) publish the results of such activities carried out by the Committee or others.
- (4) The Committee must have regard to the desirability of involving the public in the exercise of its functions.

#### **40 Grants to the Committee**

A national authority may make grants to the Committee of such amount and subject to such conditions as the authority thinks fit.

#### **41 Powers to give guidance**

- (1) The national authorities may give the Committee guidance as to the matters it is to take into account in the exercise of—
  - (a) its functions generally, or
  - (b) any of its functions under Schedule 1.
- (2) The Secretary of State may give the Committee guidance as to the matters it is to take into account in the exercise of its functions under—
  - (a) Part 1 (carbon target and budgeting),
  - (b) section 33 (advice on level of 2050 target),
  - (c) section 34 (advice in connection with carbon budgets),
  - (d) section 35 (advice on emissions from international aviation and international shipping),
  - (e) section 36 (reports on progress),
  - (f) section 57 (advice on report on impact of climate change), or
  - (g) section 59 (reporting on progress in connection with adaptation).

Before giving guidance under any of paragraphs (a) to (f), the Secretary of State must consult the other national authorities.

- (3) A national authority that requests the Committee to provide advice, analysis, information or other assistance under—
  - (a) section 38 (duty to provide advice or assistance on request), or
  - (b) section 48 (advice on trading scheme regulations),may give the Committee guidance as to the matters it is to take into account in responding to that request.

If the request is made by two or more national authorities, the guidance must be given by them jointly.

- (4) The power to give guidance under this section includes power to vary or revoke it.
- (5) In performing its functions the Committee must have regard to any guidance given under this section.

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## **42 Powers to give directions**

- (1) The national authorities may give the Committee directions as to the exercise of—
  - (a) its functions generally, or
  - (b) any of its functions under Schedule 1.
- (2) The Secretary of State may give the Committee directions as to the exercise of its functions under—
  - (a) Part 1 (carbon target and budgeting),
  - (b) section 33 (advice on level of 2050 target),
  - (c) section 34 (advice in connection with carbon budgets),
  - (d) section 35 (advice on emissions from international aviation and international shipping),
  - (e) section 36 (reports on progress),
  - (f) section 57 (advice on report on impact of climate change), or
  - (g) section 59 (reporting on progress in connection with adaptation).

Before giving directions under any of paragraphs (a) to (f), the Secretary of State must consult the other national authorities.

- (3) A national authority that requests the Committee to provide advice, analysis, information or other assistance under—
  - (a) section 38 (duty to provide advice or assistance on request), or
  - (b) section 48 (advice on trading scheme regulations),may give the Committee directions as to the exercise of its functions in responding to that request.

If the request is made by two or more national authorities, the directions must be given by them jointly.

- (4) The power to give directions under this section does not include power to direct the Committee as to the content of any advice or report.
- (5) The power to give directions under this section includes power to vary or revoke the directions.
- (6) The Committee must comply with any directions given under this section.

### *Interpretation*

## **43 Interpretation of Part 2**

Expressions used in this Part that are defined in Part 1 (carbon target and budgeting) have the same meaning as in that Part.