



# Climate Change Act 2008

## 2008 CHAPTER 27

### PART 5

#### OTHER PROVISIONS

##### *Waste reduction schemes*

#### **71 Waste reduction schemes**

- (1) Schedule 5 amends the Environmental Protection Act 1990 (c. 43) to provide for the making of waste reduction schemes.
- (2) The provisions inserted by that Schedule come into force in accordance with sections 72 to 75 below.
- (3) In those sections “the waste reduction provisions” means the provisions inserted by that Schedule and any subordinate legislation made under those provisions.

#### **72 Waste reduction provisions: piloting**

- (1) If a waste collection authority submits to the Secretary of State proposals for a waste reduction scheme and the proposals are approved by the Secretary of State as suitable for piloting one or more aspects of the waste reduction provisions—
  - (a) the Secretary of State may by order designate the area of that authority as a pilot area, and
  - (b) the authority may make a scheme in accordance with the proposals.
- (2) Not more than five areas may be so designated.
- (3) The order designating a pilot area shall provide that the waste reduction provisions have effect in relation to that area, for the purpose of enabling the authority to make and operate the proposed scheme, for such period as may be specified in the order.
- (4) Any power to make subordinate legislation or issue guidance under the waste reduction provisions—

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- (a) may be exercised so as to make different provision for different pilot areas, and
  - (b) may be exercised at any time after the coming into force of this section.
- (5) If a draft of an instrument containing such subordinate legislation would, apart from this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not such an instrument.

### **73 Waste reduction provisions: report and review**

- (1) The Secretary of State shall lay before Parliament a report on the operation of the waste reduction provisions in each pilot area.
- (2) The report must contain, in respect of each pilot area to which it relates—
- (a) a description of the scheme and of the respects in which the provision made by it differed from that made by the schemes in other pilot areas;
  - (b) a copy of the order made by the Secretary of State under section 72;
  - (c) a description of the respects in which the relevant enactments and guidance applying in that area differed from that applying—
    - (i) in other pilot areas, and
    - (ii) in areas not designated as pilot areas; and
  - (d) an assessment of the scheme's success or otherwise.
- (3) The report must also contain a review of the waste reduction provisions in the light of their operation in the pilot area or areas to which the report relates.

### **74 Waste reduction provisions: interim report**

- (1) If it appears to the Secretary of State that it will not be possible to lay a report under section 73 in relation to a pilot area before the end of three years beginning with the day this Act is passed, the Secretary of State must lay before Parliament an interim report in relation to that pilot area before the end of that period.
- (2) The interim report must contain—
- (a) a description of the scheme and of the respects in which the provision made or to be made by it differs from that made by the schemes in other pilot areas,
  - (b) a copy of the order made by the Secretary of State under section 72; and
  - (c) a description of the respects in which the relevant enactments and guidance applying in that area differ from that applying—
    - (i) in other pilot areas, and
    - (ii) in areas not designated as pilot areas.
- (3) If the scheme has not been implemented, the interim report must contain a description of the progress made towards its implementation.
- (4) Otherwise, the interim report must contain—
- (a) a description of the scheme's operation, and
  - (b) an assessment of the progress made towards achieving the scheme's objectives, if such an assessment can reasonably be made.

## **75 Waste reduction provisions: roll-out or repeal**

- (1) The following provisions apply after section 73 has been complied with in relation to one or more pilot areas.
- (2) The Secretary of State may by order—
  - (a) provide that the waste reduction provisions shall come into force generally on such date as is specified in the order; or
  - (b) make such amendments of the waste reduction provisions as appear to the Secretary of State to be necessary or expedient having regard to the operation of the provisions in the pilot areas, and provide that those provisions as amended shall come into force generally on such date as is specified in the order.
- (3) The amendments may include provision conferring power on the Secretary of State to make subordinate legislation.
- (4) Where the amendments include such provision, they must also include provision—
  - (a) for a statutory instrument containing the subordinate legislation to be subject to annulment in pursuance of a resolution of either House of Parliament, or
  - (b) requiring a draft of such an instrument to be laid before and approved by resolution of each House of Parliament before the subordinate legislation is made,as the Secretary of State thinks fit.
- (5) If the Secretary of State decides not to make an order under subsection (2), the Secretary of State must make an order repealing the waste reduction provisions.
- (6) Any order under subsection (2)(b) or (5) is subject to affirmative resolution procedure.

### *Collection of household waste*

## **76 Collection of household waste**

In section 46 of the Environmental Protection Act 1990 (c. 43) (receptacles for household waste), after subsection (10) insert—

“(11) A waste collection authority is not obliged to collect household waste that is placed for collection in contravention of a requirement under this section.”.

### *Charges for single use carrier bags*

## **77 Charges for single use carrier bags**

- (1) Schedule 6 makes provision about charges for single use carrier bags.
- (2) In that Schedule—
  - Part 1 confers power on the relevant national authority to make regulations about charges for single use carrier bags;
  - Part 2 makes provision about civil sanctions;
  - Part 3 makes provision about the procedures applying to regulations under the Schedule.

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- (3) In that Schedule “the relevant national authority” means—
- (a) the Secretary of State in relation to England;
  - (b) the Welsh Ministers in relation to Wales;
  - (c) the Department of the Environment in Northern Ireland in relation to Northern Ireland.
- (4) Regulations under that Schedule are subject to affirmative resolution procedure if—
- (a) they are the first regulations to be made by the relevant national authority in question under the Schedule,
  - (b) they contain provision imposing or providing for the imposition of new civil sanctions,
  - (c) they increase the amount or maximum amount of a monetary penalty or change the basis on which such an amount or maximum is to be determined, or
  - (d) they amend or repeal a provision of an enactment contained in primary legislation.
- (5) Otherwise regulations under that Schedule are subject to negative resolution procedure.

*Renewable transport fuel obligations*

**78 Renewable transport fuel obligations**

Schedule 7 contains amendments to the provisions of the Energy Act 2004 (c. 20) relating to renewable transport fuel obligations.

*Carbon emissions reduction targets*

**79 Carbon emissions reduction targets**

Schedule 8 contains amendments to the provisions of the Gas Act 1986 (c. 44), the Electricity Act 1989 (c. 29) and the Utilities Act 2000 (c. 27) relating to carbon emissions reduction targets.

*Miscellaneous*

**80 Report on climate change: Wales**

- (1) It is the duty of the Welsh Ministers to lay before the National Assembly for Wales from time to time a report on—
- (a) the objectives of the Welsh Ministers in relation to greenhouse gas emissions and the impact of climate change in Wales,
  - (b) the action that has been taken by the Welsh Ministers and others to deal with such emissions and that impact, and
  - (c) the future priorities for the Welsh Ministers and others for dealing with such emissions and that impact.

- (2) The report must, in particular, set out how the Welsh Ministers intend to exercise the power to give directions under section 67 (directions to reporting authorities to prepare adaptation reports).
- (3) Nothing in a report under this section affects the exercise of the Welsh Ministers' power under that section.
- (4) The second and each subsequent report under this section must contain an assessment of the progress made towards implementing the objectives mentioned in the earlier reports.
- (5) In this section “Wales” has the same meaning as in the Government of Wales Act 2006 (c. 32).

## **81 Climate change measures reports in Wales**

- (1) The Climate Change and Sustainable Energy Act 2006 (c. 19) is amended as follows.
- (2) After section 3 insert—

### **“3A Local authorities in Wales to have regard to climate change measures reports**

- (1) The Welsh Ministers must from time to time publish a climate change measures report.
- (2) A local authority in Wales must, in exercising its functions, have regard to any current climate change measures report.
- (3) A “climate change measures report” means a report containing information about the local authority measures the Welsh Ministers consider would or might have any of the following effects—
  - (a) improving efficiency in the use of any description or source of energy;
  - (b) increasing the amount of energy generated, or heat produced, by microgeneration;
  - (c) increasing the amount of energy generated, or heat produced, by plant that relies wholly or mainly on a source of energy or a technology listed in section 26(2);
  - (d) reducing emissions of greenhouse gases;
  - (e) reducing the number of households in which one or more persons are living in fuel poverty;
  - (f) addressing the impact of climate change.
- (4) Before publishing a climate change measures report, the Welsh Ministers must consult such representatives of local government, and such other persons, as the Welsh Ministers consider appropriate.
- (5) The Secretary of State’s consent is required to the publication in a climate change measures report of information about a local authority measure to which subsection (6) applies.
- (6) This subsection applies to a local authority measure if the Secretary of State has a function in relation to the measure of—
  - (a) making subordinate legislation,

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- (b) issuing guidance or directions, or
  - (c) making determinations or hearing appeals,
- and that function is exercisable in relation to Wales.

(7) In this section—

“local authority” means any of the following—

- (a) a county council;
- (b) a county borough council;
- (c) a community council;

“local authority measure” means anything a local authority in Wales may do in the exercise of its functions (including deciding not to exercise a power).”.

- (3) In section 3 of that Act (local authorities to have regard to information on energy in exercising functions)—
- (a) for the heading substitute “Local authorities in England to have regard to energy measures reports”,
  - (b) in subsection (2), after “local authority” insert “in England”,
  - (c) in subsection (4), in the definition of “local authority measure”, for “a local authority” substitute “a local authority in England”,
  - (d) in subsection (5) omit “the National Assembly for Wales and”, and
  - (e) in subsection (6) omit paragraphs (b) and (h).

## **82 Repeal of previous reporting obligation**

Section 2 of the Climate Change and Sustainable Energy Act 2006 (c. 19) (annual report on greenhouse gas emissions) is repealed.

## **83 Guidance on reporting**

- (1) The Secretary of State must publish guidance on the measurement or calculation of greenhouse gas emissions to assist the reporting by persons on such emissions from activities for which they are responsible.
- (2) The guidance must be published not later than 1st October 2009.
- (3) The Secretary of State may from time to time publish revisions to guidance under this section or revised guidance.
- (4) Before publishing guidance under this section or revisions to it, the Secretary of State must consult the other national authorities.
- (5) Guidance under this section and revisions to it may be published in such manner as the Secretary of State thinks fit.

## **84 Report on contribution of reporting to climate change objectives**

- (1) The Secretary of State must—
  - (a) review the contribution that reporting on greenhouse gas emissions may make to the achievement of the objectives of Her Majesty’s Government in the United Kingdom in relation to climate change, and
  - (b) lay a report before Parliament setting out the conclusions of that review.

- (2) The report must be laid before Parliament not later than 1st December 2010.
- (3) In complying with this section the Secretary of State must consult the other national authorities.

## **85 Regulations about reporting by companies**

- (1) The Secretary of State must, not later than 6th April 2012—
  - (a) make regulations under section 416(4) of the Companies Act 2006 (c. 46) requiring the directors' report of a company to contain such information as may be specified in the regulations about emissions of greenhouse gases from activities for which the company is responsible, or
  - (b) lay before Parliament a report explaining why no such regulations have been made.
- (2) Subsection (1)(a) is complied with if regulations are made containing provision in relation to companies, and emissions, of a description specified in the regulations.

## **86 Report on the civil estate**

- (1) It is the duty of the Treasury to lay before Parliament in respect of each year, beginning with the year 2008, a report containing an assessment of the progress made in the year towards improving the efficiency and contribution to sustainability of buildings that are part of the civil estate.
- (2) The report must, in particular, include an assessment of the progress made in the year to which it relates towards—
  - (a) reducing the size of the civil estate, and
  - (b) ensuring that buildings that become part of the civil estate fall within the top quartile of energy performance.
- (3) If a building that does not fall within the top quartile of energy performance becomes part of the civil estate in the year to which the report relates, the report must state the reasons why the building has nevertheless become part of the civil estate.
- (4) A report under this section must be laid before Parliament not later than 1st June in the year following the year to which it relates.
- (5) In this section “building” means a building that uses energy for heating or cooling the whole or any part of its interior.
- (6) For the purposes of this section, a building is part of the civil estate if it is—
  - (a) used for the purposes of central government administration, and
  - (b) of a description of buildings for which, at the passing of this Act, the Treasury has responsibilities in relation to efficiency and sustainability.
- (7) The Treasury may by order provide for buildings of a specified description to be treated as being, or as not being, part of the civil estate for the purposes of this section.
- (8) Any such order is subject to affirmative resolution procedure.

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## **87 Power of Ministers and departments to offset greenhouse gas emissions**

- (1) An authority to which this section applies may acquire and dispose of units or interests in units representing—
  - (a) a reduction in an amount of greenhouse gas emissions,
  - (b) the removal of an amount of greenhouse gas from the atmosphere, or
  - (c) an amount of greenhouse gas emissions allowed under a scheme or arrangement imposing a limit on such emissions.
- (2) This section applies to—
  - (a) any Minister of the Crown or government department;
  - (b) the Scottish Ministers;
  - (c) the Welsh Ministers;
  - (d) any Northern Ireland department.
- (3) If the Treasury acquire such units or interests in units, until they are disposed of they shall be treated as held by the persons for the time being constituting the Treasury.

## **88 Fines for offences relating to pollution**

- (1) In section 105(2) of the Clean Neighbourhoods and Environment Act 2005 (c. 16) (which postpones the increase by subsection (1)(b) in maximum fines under regulations under the Pollution Prevention and Control Act 1999 (c. 24) pending the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44)), for “Subsection (1)” substitute “Subsection (1)(a)”.
- (2) Regulation 39(2)(a) of the Environmental Permitting (England and Wales) Regulations 2007 (S.I. 2007/3538) (maximum fine on summary conviction of an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003) is revoked.