



Climate Change Act 2008

2008 CHAPTER 27

PART 6

GENERAL SUPPLEMENTARY PROVISIONS

Territorial scope of provisions relating to greenhouse gas emissions

89 Territorial scope of provisions relating to greenhouse gas emissions

- (1) The provisions of this Act relating to emissions of greenhouse gases apply to emissions from sources or other matters occurring in, above or below—
 - (a) UK coastal waters, or
 - (b) the UK sector of the continental shelf,as they apply to emissions from sources or matters occurring in the United Kingdom.
- (2) In subsection (1)—

“UK coastal waters” means areas landward of the seaward limit of the territorial sea adjacent to the United Kingdom;

“the UK sector of the continental shelf” means the areas designated under section 1(7) of the Continental Shelf Act 1964 (c. 29).
- (3) This section is subject to section 30 (emissions from international aviation or international shipping not to count as emissions from UK sources for the purposes of Part 1, except as provided by regulations).

Orders and regulations

90 Orders and regulations

- (1) Orders and regulations under this Act must be made by statutory instrument, subject as follows.

Status: Point in time view as at 26/01/2009.

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- (2) The power of a Northern Ireland department to make regulations under Part 3 (trading schemes) or Schedule 6 (charges for single use carrier bags)—
 - (a) is exercisable by statutory instrument if the instrument also contains regulations under that Part or Schedule made or to be made by another national authority, and
 - (b) otherwise, is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (3) An order or regulations under this Act may—
 - (a) make different provision for different cases or circumstances,
 - (b) include supplementary, incidental and consequential provision, and
 - (c) make transitional provision and savings.
- (4) Any provision that may be made by order under this Act may be made by regulations.
- (5) Any provision that may be made by regulations under this Act may be made by order.

91 Affirmative and negative resolution procedure

- (1) Where orders or regulations under this Act are subject to “affirmative resolution procedure” the order or regulations must not be made unless a draft of the statutory instrument containing them has been laid before and approved by a resolution of each House of Parliament.
- (2) Where orders or regulations under this Act are subject to “negative resolution procedure” the statutory instrument containing the order or regulations is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any provision that may be made by an order or regulations under this Act subject to negative resolution procedure may be made by an order or regulations subject to affirmative resolution procedure.
- (4) This section does not apply to—
 - (a) regulations under Part 3 (trading schemes) (but see Schedule 3), or
 - (b) regulations under Schedule 6 (but see Part 3 of that Schedule).

Interpretation

92 Meaning of “greenhouse gas”

- (1) In this Act “greenhouse gas” means any of the following—
 - (a) carbon dioxide (CO₂),
 - (b) methane (CH₄),
 - (c) nitrous oxide (N₂O),
 - (d) hydrofluorocarbons (HFCs),
 - (e) perfluorocarbons (PFCs),
 - (f) sulphur hexafluoride (SF₆).
- (2) The Secretary of State may by order amend the definition of “greenhouse gas” in subsection (1) to add to the gases listed in that definition.

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- (3) That power may only be exercised if it appears to the Secretary of State that an agreement or arrangement at European or international level recognises that the gas to be added contributes to climate change.
- (4) An order under this section is subject to negative resolution procedure.

93 Measurement of emissions etc by reference to carbon dioxide equivalent

- (1) For the purposes of this Act greenhouse gas emissions, reductions of such emissions and removals of greenhouse gas from the atmosphere shall be measured or calculated in tonnes of carbon dioxide equivalent.
- (2) A “tonne of carbon dioxide equivalent” means one metric tonne of carbon dioxide or an amount of any other greenhouse gas with an equivalent global warming potential (calculated consistently with international carbon reporting practice).

94 Meaning of “international carbon reporting practice”

- (1) In this Act “international carbon reporting practice” means accepted practice in relation to reporting for the purposes of the protocols to the United Nations Framework Convention on Climate Change or such other agreements or arrangements at European or international level as the Secretary of State may specify by order.
- (2) An order under this section is subject to negative resolution procedure.

95 Meaning of “national authority”

- (1) In this Act “national authority” means any of the following—
 - (a) the Secretary of State;
 - (b) the Scottish Ministers;
 - (c) the Welsh Ministers;
 - (d) the relevant Northern Ireland department.
- (2) Functions conferred or imposed by this Act on “the national authorities” are to be exercised by all of them jointly.

96 Meaning of “relevant Northern Ireland department”

- (1) In this Act “the relevant Northern Ireland department”, in relation to a matter or provision, means the Northern Ireland department responsible for the matter or, as the case may be, for the matters to which the provision relates.
- (2) If more than one department is responsible, the reference is to all of them.
- (3) Any question as to the Northern Ireland department responsible for a matter is to be determined by the Department of Finance and Personnel in Northern Ireland.

97 Minor definitions

- In this Act—
- “devolved legislature” means—
- (a) the Scottish Parliament,

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- (b) the National Assembly for Wales, or
 - (c) the Northern Ireland Assembly;
- “emissions”, in relation to a greenhouse gas, means emissions of that gas into the atmosphere that are attributable to human activity;
- “enactment” includes—
- (a) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978 (c. 30),
 - (b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament,
 - (c) an enactment contained in, or in an instrument made under, Northern Ireland legislation, and
 - (d) an enactment contained in, or in an instrument made under, a Measure or Act of the National Assembly for Wales;
- “European law” means—
- (a) all the rights, powers, liabilities, obligations and restrictions from time to time created or arising by or under the Community Treaties, and
 - (b) all the remedies and procedures from time to time provided for by or under the Community Treaties,
- and “European policy” has a corresponding meaning;
- “modifications”, in relation to an enactment, includes additions or amendments to, or omissions from, the enactment;
- “primary legislation” means—
- (a) an Act of Parliament,
 - (b) an Act of the Scottish Parliament,
 - (c) a Measure or Act of the National Assembly for Wales, or
 - (d) Northern Ireland legislation.

98 Index of defined expressions

In this Act the following expressions are defined or otherwise explained by the provisions indicated—

“the 1990 baseline” (in Parts 1 and 2)	section 1(2)
“administrator” (in Part 3)	section 55
“administrator” (in Schedule 6)	paragraph 6(1) and (4) of Schedule 6
“affirmative resolution procedure” (except in Part 3 and Schedule 6)	section 91(1)
“annual equivalent”, in relation to the carbon budget for a period (in Parts 1 and 2)	section 5(2)
“budgetary periods” (in Parts 1 and 2)	section 4(1)
“carbon budget” (in Parts 1 and 2)	section 4(1)
“carbon unit” (in Parts 1 and 2)	section 26(1)
“the chair” (in Schedule 1)	paragraph 1(1) of Schedule 1

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“civil sanction” (in Schedule 6)	paragraph 9(3) of Schedule 6
“the Committee” (in Part 2)	section 32
“Counsel General” (in sections 61 to 70)	section 70(8)
“the deputy chair” (in Schedule 1)	paragraph 2 of Schedule 1
“devolved authority” (in sections 61 to 70)	section 70(3)
“devolved functions”, in relation to a reporting authority (in sections 61 to 69)	section 70(4) and (5)
“devolved legislature”	section 97
“devolved Welsh functions”, in relation to a reporting authority (in sections 61 to 69)	section 70(6) and (7)
“discretionary requirement” (in Schedule 6)	paragraph 12(3) of Schedule 6
“electricity distributor” (in Schedule 4)	paragraph 2(3) of Schedule 4
“electricity supplier” (in Schedule 4)	paragraph 2(2) of Schedule 4
“emissions”	section 97
“enactment”	section 97
“environmental authority” (in Schedule 4)	paragraph 1(2) of Schedule 4
“European law”	section 97
“European policy”	section 97
“financial year” (in Schedule 1)	paragraph 23 of Schedule 1
“fixed monetary penalty” (in Schedule 6)	paragraph 10(3) of Schedule 6
“greenhouse gas”	section 92
“international carbon reporting practice”	section 94
“Minister of the Crown” (in sections 61 to 70)	section 70(8)
“modifications”, in relation to an enactment	section 97
“national authority”	section 95
“negative resolution procedure” (except in Part 3 and Schedule 6)	section 91(2)
“net UK carbon account” (in Parts 1 and 2)	section 27(1)
“net UK emissions” for a period, in relation to a greenhouse gas (in Parts 1 and 2)	section 29(1)

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“non-monetary discretionary requirement” (in Schedule 6)	paragraph 12(4) of Schedule 6
“participant” (in Part 3)	section 55
“potential participant” (in Schedule 4)	paragraph 3(2) of Schedule 4
“primary legislation”	section 97
“the relevant national authority” (in Part 3)	section 47
“the relevant national authority” (in Schedule 6)	section 77(3)
“the relevant Northern Ireland department”	section 96
“reporting authority” (in sections 61 to 70)	section 70(1) and (2)
“seller” (in Schedule 6)	paragraph 3 of Schedule 6
“single use carrier bag” (in Schedule 6)	paragraph 5 of Schedule 6
“specified” (in Schedule 6)	paragraph 3(4) of Schedule 6
“targeted greenhouse gas” (in Parts 1 and 2)	section 24(1)
“trading period” (in Part 3)	section 55
“trading scheme”	section 44(2)
“UK emissions”, in relation to a greenhouse gas (in Part 1)	section 29(1)
“UK removals”, in relation to a greenhouse gas (in Part 1)	section 29(1)
“variable monetary penalty” (in Schedule 6)	paragraph 12(4) of Schedule 6
“Wales” (in sections 61 to 70)	section 70(8)
“the waste reduction provisions” (in sections 72 to 75)	section 71(3)

Final provisions

99 Extent

- (1) This Act, apart from the provisions listed below, extends to the whole of the United Kingdom.
- (2) The following provisions of this Act extend to England and Wales only—
 - (a) sections 71 to 75 and Schedule 5 (waste reduction schemes);
 - (b) section 76 (collection of household waste);
 - (c) section 81 (climate change measures reports in Wales);
 - (d) section 88 (fines for offences relating to pollution).

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- (3) Section 77 and Schedule 6 (charges for single use carrier bags) extend to England and Wales and Northern Ireland only.
- (4) Section 79 and Schedule 8 (carbon emissions reduction targets) extend to England and Wales and Scotland only.

100 Commencement

- (1) Part 1 (carbon target and budgeting), Part 2 (the Committee on Climate Change) and this Part come into force on the day this Act is passed.
- (2) Section 71(1) and Schedule 5 (waste reduction schemes) come into force in accordance with sections 72 to 75.
- (3) Section 81 (climate change measures reports in Wales) comes into force on such day as may be appointed by order made by the Welsh Ministers.
- (4) Section 82 (repeal of previous reporting obligation) comes into force on 1st January 2009.
- (5) The other provisions of this Act come into force at the end of two months beginning with the day it is passed.

101 Short title

The short title of this Act is the Climate Change Act 2008.

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