

*These notes refer to the Climate Change Act (Northern Ireland)
2022 (c.31) which received Royal Assent on 6 June 2022*

Climate Change Act (Northern Ireland) 2022

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 - Emissions Targets

Section 5: Power to amend emission targets

This section firstly provides the Department with the power to amend the emissions targets in the Act to either specify an earlier year for an emissions target, or a higher percentage for a particular year. In effect, it allows the Department to alter the 2030, 2040 and 2050 emissions reduction targets to bring them forward or increase the volume of reductions required.

Subsection (2) provides a further power for the Department to amend Part 1 of the Act to impose an emissions reduction target for a specified year.

The powers may only be used if one of the conditions in section 54 is met. Before draft regulations are made to amend the targets in sections 1, 3 or 4, the Department must seek advice from the Committee on Climate Change (section 56(1)) if the amendment is as a result of significant developments in UK or international law or policy, scientific knowledge on climate change or technology relevant to climate change. The advice provided to the Department by the Committee must also include the Committee's opinion on the matters provided in section 57(2) and (3). Section 57(2) requires that, where the Department is proposing to specify a different year for a particular emissions target, the Committee must advise whether the year proposed is the earliest year for which the target could be achieved and, if not, what the earliest year for the target to be achieved would be. Section 57(3) requires that, where the Department is proposing to specify a different percentage for a particular emissions target year, the Committee must advise whether the percentage proposed is the highest percentage achievable for that year and, if not, what the highest percentage achievable would be.

The purpose of linking use of the powers in section 5 to the conditions set out in section 54 is to ensure that changes to the emission targets are only made where expert advice or significant developments mean that it is appropriate to do so. Where the amendment is as a result of a recommendation which has been provided by the Committee, the Department does not have to seek its advice under section 56.