

*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 3 - Reports and Statements Against Targets and Budgets Etc

Section 29: Proposals and policies for meeting carbon budgets

This section places a duty on the Department to prepare and publish a report for each budgetary period setting out the policies and proposals for meeting the carbon budget for that period. These reports are to be called “climate action plans” and will effectively outline the planned actions that will be taken across a budgetary period by all Northern Ireland departments in order to try and lower emissions across relevant sectors.

Subsection (3) requires the report to cover the areas of responsibility of each Northern Ireland department. Each Northern Ireland department is required to provide the Department with detail on its proposals and policies within its areas of responsibility. Similar requirements are included in respect of all the reporting duties placed on the Department in Part 3 of the Act in order to require effective contributions from all Northern Ireland departments to assist with planning and implementing measures to reduce emissions.

Subsection (7) requires the Department to lay the report for a budgetary period in the Assembly before the end of the first year of that period and subsections (8) and (9) set out consultation requirements.

Section 30: Requirements for proposals and policies under section 29

This section sets out a range of requirements that each Northern Ireland department should have regard to when developing the reports under section 29. These requirements cover transboundary co-ordination and consultation, the need to have regard to the just transition principle and the desirability of supporting nature based projects.

Section 31: Just Transition Fund for Agriculture

This section requires the Department to make regulations to establish a scheme to be known as the “Just Transition Fund for Agriculture” to provide financial assistance and advice to the agricultural sector to help it deliver its contribution

under proposals and policies brought forward under section 29. The section outlines a range of aspects which the regulations may make provision for.

Section 32: Policies and proposals: targets

This section requires the climate action plans under section 29 to set out targets for soil quality and biodiversity to be achieved during carbon budget periods. The targets have to be set after a number of specified matters are taken into account. The section further requires that annual targets for greenhouse gas emissions and air quality are included in the climate action plans.

Section 33: Policies and proposals: further provision

This section requires the climate action plans under section 29 to include policies and proposals to ensure that a range of specified sectors contribute towards achieving carbon budgets.

Section 34: Policies and proposals: nature based solutions

This section requires the climate action plans under section 29 to include policies and proposals which support nature based solutions.

Section 35: Policies and proposals: workforce, employers and communities

This section requires the climate action plans under section 29 to explain how the proposed policies and proposals within the plans are expected to affect the workforce, employers and communities and to include proposals and policies to support them. Subsection (2) requires that the explanation, proposals and policies under subsection (1) must make particular reference to small businesses. A “small business” is defined in subsection (3) and subsection (4) includes a power to amend this definition.

Section 36: Policies and proposals: carbon leakage

This section requires each Northern Ireland department, when setting out proposals and policies in climate action plans produced under section 29 to take into account the risk of the implementation of those proposals and policies leading to carbon leakage and the desirability of eliminating or reducing that risk. Subsections (2) and (3) define “carbon leakage”.

Section 37: Just Transition Commission

This section requires the Department to establish through regulations a Just Transition Commission to oversee the implementation of the just transition elements of the Act, and provide advice to Northern Ireland departments on how to ensure their proposals, strategies, plans and policies comply with just transition principles. The section further outlines the range of aspects which the regulations must or may cover including sectors, areas and groups who should be represented on the Commission.

Section 38: Interim progress reporting for budgetary period

This section places a duty on the Department to lay a report before the Northern Ireland Assembly, setting out what progress has been made in implementing the proposals and policies contained in a climate action plan produced under section 29. This is to be laid before the end of the third year of each budgetary period.

Section 39: Final statement for budgetary period

This section places a duty on the Department to prepare and lay a statement before the Northern Ireland Assembly on the final emissions, removals and net emissions for Northern Ireland during a budgetary period. These figures are used to determine whether a carbon budget has been met. The report must be laid before the end of the second year after the budgetary period in question.

Subsections (3) and (5) require the statement to also state the amount of carbon units credited to, or debited from, the net Northern Ireland emissions account for the period, and whether a decision has been made to carry back or forward any amount from a previous or subsequent budgetary period.

Subsections (8) and (9) require the statement to explain why the target has or has not been met, and to include an assessment of the extent to which the relevant proposals and policies for meeting the carbon budget have been carried out and contributed to, the budget being met or not.

Section 40: Proposals and policies where carbon budget not met

This section applies where a final statement has been laid in the Assembly in respect of a budgetary period and the net Northern Ireland emissions account for the period exceeds the carbon budget. It requires the Department, within 3 months of laying the final statement, to lay a further report in the Assembly setting out the proposals and policies in subsequent budgetary periods to compensate for the excess emissions.

Section 41: Statements on compliance with emissions targets

This section places a duty on the Department to prepare a statement for each of the target years in sections 1, 3 and 4 and lay this statement in the Assembly before the end of the second year after the year to which it relates. The requirements are largely similar to those set out in respect of carbon budgets under section 39.

Subsections (2) to (5) require the statement to provide detail on the amount of emissions, removals and net emissions as well as the total amount of carbon units credited to, or debited from, the Northern Ireland emissions account for the year (and, in the case of the statement for 2050, to the Northern Ireland emissions account for carbon dioxide) to which the statement relates.

Subsection (6) provides that the question of whether the 2050, 2040 or 2030 target has been met is to be determined by referring to the information provided in the statement for the target year to which it relates.

Subsection (7) requires that the statement explains why the target has or has not been met.

Section 42: Climate change reporting by public bodies

This section requires the Department to make regulations, within 18 months of the Act achieving Royal Assent, to impose climate change reporting duties on specified public bodies. The section defines what a public body is, and under subsection (3) identifies some of the aspects that the regulations can make provision for reports to contain. Subsection (5) further identifies some of the elements which the regulations can cover.

Subsection (7) requires the Department to consult with public bodies and other appropriate persons before making the regulations.