



# Climate Change Act 2008

## 2008 CHAPTER 27

### PART 1

#### CARBON TARGET AND BUDGETING

##### *Alteration of budgets or budgetary periods*

#### **21 Alteration of carbon budgets**

- (1) An order setting the carbon budget for a period may not be revoked after the date by which a budget for the period was required to be set.
- (2) An order setting the carbon budget for a period may be amended after the date by which a budget for the period was required to be set only if it appears to the Secretary of State that, since the budget was originally set (or previously altered), there have been significant changes affecting the basis on which the previous decision was made.
- (3) An order setting the carbon budget for a period may be amended after the period has begun only if it appears to the Secretary of State that there have been such changes since the period began.
- (4) An order setting the carbon budget for a period may not be amended after the period has ended.
- (5) An order revoking or amending an order setting a carbon budget is subject to affirmative resolution procedure.

#### **22 Consultation on alteration of carbon budgets**

- (1) Before laying before Parliament a draft of a statutory instrument containing an order under section 21 (alteration of carbon budgets), the Secretary of State must—
  - (a) obtain, and take into account, the advice of the Committee on Climate Change, and
  - (b) take into account any representations made by the other national authorities.

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*Status: This is the original version (as it was originally enacted).*

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- (2) The Committee must, at the time it gives its advice to the Secretary of State, send a copy to the other national authorities.
- (3) 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.
- (4) The Secretary of State may proceed to lay such a draft statutory instrument before Parliament without having received a national authority's representations if the authority does not provide them before the end of the relevant period.
- (5) The relevant period is—
  - (a) if the budgetary period to which the order relates has begun, one month beginning with the date the Committee's advice was sent to the authority, or
  - (b) otherwise, three months beginning with that date.
- (6) At the same time as laying such a draft statutory instrument before Parliament, the Secretary of State must publish a statement setting out whether and how the order takes account of any representations made by the other national authorities.
- (7) If the order makes provision different from that recommended by the Committee, the Secretary of State must also publish a statement setting out the reasons for that decision.
- (8) A statement under this section may be published in such manner as the Secretary of State thinks fit.

## **23 Alteration of budgetary periods**

- (1) The Secretary of State may by order amend section 4(1)(a) so as to alter—
  - (a) the length of the budgetary periods, or
  - (b) the dates in the calendar year on which the budgetary periods begin and end.
- (2) This power may only be exercised if it appears to the Secretary of State necessary to do so in order to keep the budgetary periods under this Part in line with similar periods under any agreement at European or international level to which the United Kingdom is a party.
- (3) The power may not be exercised in such a way that any period falls outside a budgetary period.
- (4) An order may make such consequential amendments of the provisions of this Act as appear to the Secretary of State to be necessary or expedient.
- (5) Before making an order under this section the Secretary of State must consult the other national authorities.
- (6) An order under this section is subject to affirmative resolution procedure.