

EXPLANATORY MEMORANDUM TO
THE RESPONSE TO THE COMMITTEE ON CLIMATE CHANGE REPORT
(EXTENSION OF PERIOD) ORDER 2023

2023 No. 1025

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Energy Security and Net Zero and is laid before Parliament by Command of His Majesty.

2. Purpose of the instrument

2.1 The Secretary of State is required by the Climate Change Act 2008 to respond to the points made by the Committee on Climate Change's (the "Committee") progress report, laid before Parliament on 28 June 2023, by 15 October 2023.

2.2 This instrument extends the deadline to respond to the Committee's progress report, from 15 October 2023 to 31 October 2023, to provide sufficient time for the Government to lay the response after Conference Recess, when Parliament is sitting.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

4.1 The extent of this instrument is the United Kingdom.

4.2 The territorial application of this instrument is the United Kingdom.

5. European Convention on Human Rights

5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

6.1 The Climate Change Act 2008 (the "Act") received royal assent on 26 November 2008. Section 32 (the Committee on Climate Change) and Schedule 1 of the Act established the Committee as an independent, and non-departmental public body.

6.2 Section 36 (reports on progress) of the Act requires the Committee to lay an annual report assessing progress that has been made and that is needed to be made towards meeting the carbon budgets and reaching Net Zero by 2050. The Committee must make this report to Parliament, the Scottish Parliament, and national assemblies in Wales and Northern Ireland by 30 June each year, excluding reports in the second year after the end of budgetary periods.

6.3 Section 37 (response to the Committee's report on progress) of the Act places a duty on the Secretary of State to lay before Parliament a response to the Committee on Climate Change's progress report. Under Section 37(4) the response must be laid by 15 October in the same year as the Committee's progress report was made.

6.4 Section 37(5) and (6) of the Act allow the Secretary of State to extend the deadline to respond to the progress report, by negative resolution order. This instrument uses these powers to extend the 2023 deadline from 15 October 2022 to 31 October 2023. It does not extend the deadline for subsequent years.

7. Policy background

What is being done and why?

7.1 The Committee was established as an independent statutory body under the Act. Its purpose is to advise the UK and devolved administrations on emissions targets and to report to Parliament on progress made in reducing greenhouse gas emissions (mitigation) and preparing for the impacts of climate change (adaptation).

Explanations

What did any law do before the changes to be made by this instrument?

7.2 In accordance with the requirement in section 36 of the Act, the Committee presented its annual assessment of UK progress in reducing emissions on 28 June this year.

7.3 The Secretary of State has a duty under the Act to respond to the points made in the Committee's assessment of UK progress in reducing emissions.

Why is it being changed?

7.4 Section 37(4) of the Climate Change Act 2008 requires that the government response is laid no later than 15 October. This year, Conference Recess starts on 19 September 2023 and ends on 16 October 2023. Given the time required to consider the Committee's 300 recommendations and respond to these, it is not possible to lay the response ahead of Conference Recess in September.

What will it now do?

7.5 This instrument uses these powers to extend the 2023 deadline from 15 October 2022 to 31 October 2023.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union or trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 Consolidation is not required for this instrument.

10. Consultation outcome

10.1 Consultation is not required for this instrument under powers in the Climate Change Act 2008, and a consultation has not been conducted for this instrument.

10.2 The Department for Energy Security and Net Zero has engaged with the Committee and the devolved administrations on its intention to lay this instrument.

11. Guidance

11.1 Guidance has not been produced for this instrument because the memorandum provides the full background to the purpose of this instrument.

12. Impact

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 A full Impact Assessment has not been prepared for this instrument because as no, or no significant, impact on the private or voluntary sectors is foreseen.

13. Regulating small business

- 13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

- 14.1 The Department does not intend to monitor this instrument as it amends the deadline for 2023 only and does not impose burdens on business.

15. Contact

- 15.1 Harry Robinson, at the Department for Energy Security and Net Zero. Telephone: 07712 419656 or email: harry.robinson@energysecurity.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Ryan McLaughlin, Deputy Director, Net Zero, Nuclear and International Group, at the Department for Energy Security and Net Zero can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 The Minister of State, the Rt Hon Graham Stuart, MP at the Department for Energy Security and Net Zero can confirm that this Explanatory Memorandum meets the required standard.