

CLIMATE CHANGE ACT 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: The Committee on Climate Change

Functions of the Committee

Section 33: Advice on level of 2050 target

175. This section places a duty on the Committee on Climate Change to advise the Secretary of State on whether the 2050 target in section 1(1) should be amended and if so what the amended percentage should be. *Subsection (2)* requires the Committee to provide the reasons for its advice under this section, and *subsection (3)* requires the Committee to provide its advice no later than 1st December 2008.
176. *Subsection (4)* requires the Committee to send a copy of the report to each of the devolved administrations. *Subsection (5)* requires the Committee on Climate Change, as soon as is reasonably practicable after giving its advice to the Secretary of State, to publish that advice in any way it thinks is appropriate.

Section 34: Advice in connection with carbon budgets

177. This section sets out the Committee on Climate Change's advisory duties in relation to carbon budgets, and the timing of the advice that must be given.
178. *Subsection (1)* requires the Committee to give advice on carbon budgets. The Committee must advise on the levels at which carbon budgets should be set and on the extent to which budgets should be met by reducing the level of net UK emissions or by the use of carbon units credited to the net UK carbon account. The Committee must advise on the contributions towards meeting carbon budgets that should be made by sectors of the economy covered by trading schemes (taken as a whole) and by other sectors (taken as a whole). The Committee is also required to advise on sectors of the economy in which there are particular opportunities for contributions to be made towards meeting carbon budgets through reductions in emissions of targeted greenhouse gases.
179. *Subsection (2)* gives the Committee an advisory duty that only applies to the 2008–2012 budget period. The Committee is required to advise the Secretary of State on whether its advice on the level of the 2008–2012 budget is consistent with meeting a separate target of reducing emissions to an annual equivalent (as defined in section 5(2)) of 20% below the 1990 baseline, and to set out what the costs and benefits would be of setting a budget consistent with that target.
180. *Subsection (3)* requires the Committee to set out the reasons for its advice and *subsection (4)* makes provision on the timing of the advice.
181. *Subsection (5)* imposes upon the Committee a duty to send copies of the advice to the devolved administrations at the same time as it gives its advice to the Secretary of

*These notes refer to the Climate Change Act 2008 (c.27)
which received Royal Assent on 26th November 2008*

State. *Subsection (6)* gives the Committee a duty to publish its advice in any manner it considers appropriate.

Section 35: Advice on emissions from international aviation and international shipping

182. *Subsection (1)* of this section places a duty on the Committee on Climate Change to advise the Secretary of State on the consequences of treating emissions from international aviation and international shipping as UK emissions for the purposes of the targets and budgets in the Act.
183. *Subsection (2)* provides that the duty does not apply if, and to the extent that, the Secretary of State has already made regulations under section 30 which provide for emissions from international aviation and international shipping to be treated as UK emissions.
184. *Subsection (3)* requires the Committee on Climate Change to provide reasons with its advice. *Subsection (4)* makes provision on the timing of the advice, requiring the Committee on Climate Change to give its first advice under this section when it advises on the carbon budget for 2023 –2027 (which must be given by 31st December 2010, as calculated in accordance with sections 34(4)(b) and 4(2)(b)). Subsequent advice must be given at the same time as its advice on carbon budgets.
185. *Subsection (5)* requires the Committee on Climate Change to send a copy of its advice to the devolved administrations, and *subsection (6)* requires it to publish its advice, in such manner as it considers appropriate, as soon as is reasonably practicable after it has given it to the Secretary of State.

Section 36: Reports on progress

186. *Subsection (1)* requires the Committee on Climate Change to make an annual report to Parliament, the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly containing its assessment of the progress that has been made towards meeting the carbon budgets already set and the 2050 target (that is, unless amended, to reduce the net UK carbon account to at least 80% below 1990 levels); the further progress that is needed to meet the budgets and that target; and whether the budgets and that target are likely to be met.
187. *Subsection (2)* applies to progress reports in the second year after the end of each budget period (for example, for the 2008–2012 budget period, in 2014; the final figures for a budget period are not available until the second year after it ends). In those reports, the Committee is required to give its views on the manner in which the budget was or was not met, and its views on the action taken to reduce net UK emissions during the budgetary period.
188. *Subsection (3)* provides that the first report under this section must be laid by 30th September 2009, to take into account the fact that the Secretary of State is required to set the first three budgets by 1st June 2009 (see section 4(2)). *Subsection (4)* provides that each subsequent report under this section, other than the one in the second year after the end of a budgetary period, must be laid by 30th June in the year in which it is made.
189. *Subsection (5)* requires that each report in the second year after the end of a budgetary period must be laid by 15th July in the year in which it is made.
190. *Subsections (6) to (8)* allow the Secretary of State to amend the timing of the report by negative resolution order after consulting the devolved administrations.
191. See also section 59, which requires the Committee to provide progress reports on the implementation of the UK Government’s adaptation programmes under section 58. See the notes on section 59 for more detail on the timing of those progress reports.

Section 37: Response to Committee's reports on progress

192. This section places a duty on the Secretary of State to lay before Parliament a response to the points raised by each of the Committee on Climate Change's annual progress reports.
193. *Subsection (2)* requires the Secretary of State to consult the devolved administrations on a draft of the response. *Subsection (3)* provides that the response to the Committee's first report must be laid no later than 15th January 2010. *Subsection (4)* provides that each subsequent report must be laid by 15th October in the year the Committee's report was made.
194. *Subsections (5) and (6)* allow the Secretary of State to change the deadline by negative resolution order. This provision is to allow flexibility (it might, for example, be used to allow for the consequences of future international treaties on climate change necessitating a change to the date when the Committee makes its report).
195. This section will also require the Secretary of State to respond to any points raised by the Committee in its progress reports under section 59 in relation to progress made in implementing the adaptation programmes under section 58. See the notes on section 59 on the timing of those reports. Also of relevance is section 82, which repeals a reporting requirement under section 2(a) of the [Climate Change and Sustainable Energy Act 2006 \(c.19\)](#).

Section 38: Duty to provide advice or other assistance on request

196. *Subsection (1)* requires the Committee on Climate Change to provide advice, analysis, information or other assistance, when requested to do so, to the Secretary of State, the Scottish Ministers, the Welsh Ministers or the relevant Northern Ireland department (together, the "national authorities"). Any request can be made if it relates to an authority's functions under the Act, the progress that is being made towards meeting objectives set under the Act, to adaptation to climate change or to climate change generally.
197. *Subsection (2)* gives specific examples of what may be required of the Committee, including advice on caps on activities under trading schemes or assistance in the preparation of statistics.
198. *Subsection (3)* gives the Committee a duty to provide a devolved administration (not the Secretary of State), when requested to do so, with advice, analysis, information or other assistance on a target, budget or similar requirement it has adopted (whether or not the target, budget or similar requirement is contained in legislation) or which has been imposed on it. For example, the Committee would, if requested to do so, be required to advise the Scottish Ministers in relation to any target adopted under an Act of the Scottish Parliament.