

CLIMATE CHANGE ACT 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4: Impact of and adaptation to climate change

Interpretation

Section 70: Interpretation

300. *Subsection (1)* of this section defines the term “reporting authority” as used in sections 61 to 69. The term covers any person or body with functions of a public nature (all public sector bodies, except those in subsection (2)) and persons who are, or are deemed to be, “statutory undertakers” under the relevant town and country planning legislation applicable in the different parts of the United Kingdom (for example, many utilities providers).
301. *Subsection (2)* expressly provides that some persons or bodies who would otherwise be covered are not “reporting authorities”, namely any Minister of the Crown, either House of Parliament, any devolved authority (as defined in subsection (3)) and any devolved legislature (as defined in section 97).
302. *Subsection (3)* defines the term “devolved authority”, for the purposes of sections 61 to 69 and this section, to mean:
- the Welsh Ministers, the First Minister or the Counsel General;
 - the Scottish Ministers, the First Minister, the Lord Advocate or the Solicitor General for Scotland; and
 - a Minister within the meaning of the [Northern Ireland Act 1998 \(c.47\)](#) or a Northern Ireland department.
303. *Subsection (4)* defines what is meant by a reporting authority’s “devolved functions” for the purposes of sections 61 to 69 and this section. This term covers functions of a reporting authority which are already effectively governed (or are capable of being governed) by the devolved administrations or devolved legislatures, or where the devolved administrations have related functions, and where no related functions are retained by a Minister of the Crown. This provision includes flexibility so that it will continue to reflect the devolution settlements in the future (for example, if the National Assembly for Wales is given further legislative competence).
304. *Subsection (5)* sets out the situations where functions which are exercisable by a Minister of the Crown are not to be treated as preventing a reporting authority’s function being a “devolved function” under subsection (4). Paragraph (a) covers situations where a Minister of the Crown only has a listed continuing or intervention function. Paragraph (b) covers situations where a Minister of the Crown is only required to agree to the exercise of a function by the devolved authority and paragraph (c) covers situations where a Minister of the Crown’s only function is to be consulted by the devolved authority.

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

305. *Subsection (6)* defines what is meant by a reporting authority's "devolved Welsh functions". This term covers functions of a reporting authority which are already effectively governed (or are capable of being governed) by the Welsh Ministers or the National Assembly for Wales, or in relation to which the Welsh Ministers, the First Minister or the Counsel General have related functions.
306. *Subsection (7)* sets out some situations in which a reporting authority's functions are not to be treated as "devolved Welsh functions". These are situations in which the Welsh Ministers, the First Minister or the Counsel General have the function only of giving or withholding consent to exercise of functions by, or being consulted by, a Minister of the Crown.