



# Climate Change Act 2008

## 2008 CHAPTER 27

### PART 4

#### IMPACT OF AND ADAPTATION TO CLIMATE CHANGE

##### *Interpretation*

#### **70 Interpretation**

- (1) In sections 61 to 69 and this section “reporting authority” means—
  - (a) a person or body with functions of a public nature,
  - (b) a person who is or is deemed to be a statutory undertaker for the purposes of any provision of—
    - (i) Part 11 of the Town and Country Planning Act 1990 (c. 8) (see section 262 of that Act), or
    - (ii) Part 10 of the Town and Country Planning (Scotland) Act 1997 (c. 8) (see section 214 of that Act), or
  - (c) a person who is a statutory undertaker within the meaning of [F1the Planning Act (Northern Ireland) 2011 (see section 250 of that Act)].
- (2) None of the following are reporting authorities for the purposes of those sections and this section—
  - (a) a Minister of the Crown;
  - (b) either House of Parliament;
  - (c) a devolved authority;
  - (d) a devolved legislature.
- (3) In those sections and this section “devolved authority” means—
  - (a) the Welsh Ministers, the First Minister or the Counsel General,
  - (b) the Scottish Ministers, the First Minister, the Lord Advocate or the Solicitor General for Scotland, or

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- (c) a Minister within the meaning of the Northern Ireland Act 1998 (c. 47) or a Northern Ireland department.
- (4) References in those sections to a reporting authority's “devolved functions” are to functions—
- (a) conferred or imposed by or under a Measure or Act of the National Assembly for Wales,
  - (b) exercisable in or as regards Wales and [<sup>F2</sup>capable of being conferred by provision falling within] the legislative competence of the National Assembly for Wales,
  - (c) exercisable in or as regards Scotland and relating to matters within the legislative competence of the Scottish Parliament,
  - (d) exercisable in or as regards Northern Ireland and relating to transferred matters within the meaning of the Northern Ireland Act 1998, or
  - (e) in relation to which functions are exercisable by a devolved authority, and in relation to which no functions are exercisable by a Minister of the Crown.
- (5) For this purpose functions are not to be regarded as exercisable by a Minister of the Crown in relation to a reporting authority's functions merely because—
- (a) the Minister of the Crown may exercise functions—
    - (i) under section 2(2) of the European Communities Act 1972 (c. 68),
    - (ii) by virtue of section 57(1) or under section 58 of the Scotland Act 1998 (c. 46) (Community and international obligations),
    - (iii) under section 27 or 28 of the Northern Ireland Act 1998 (international etc obligations),
    - (iv) by virtue of paragraph 5 of Schedule 3 to the Government of Wales Act 2006 (c. 32) or under section 82 of that Act (Community and international obligations), or
    - (v) under section 152 of that Act (intervention in case of functions relating to water etc),
 in relation to the reporting authority's functions,
  - (b) the Minister of the Crown's agreement is required to the exercise of a function by a devolved authority in relation to the reporting authority's functions, or
  - (c) the Minister of the Crown must be consulted by a devolved authority about the exercise of a function in relation to the reporting authority's functions.
- (6) References in those sections to a reporting authority's “devolved Welsh functions” are to functions—
- (a) conferred or imposed by or under a Measure or Act of the National Assembly for Wales,
  - (b) exercisable in or as regards Wales and [<sup>F3</sup>capable of being conferred by provision falling within] the legislative competence of the National Assembly for Wales, or
  - (c) in relation to which functions are exercisable by the Welsh Ministers, the First Minister or the Counsel General.
- (7) For this purpose functions are not to be regarded as exercisable by the Welsh Ministers, the First Minister or the Counsel General in relation to a reporting authority's functions merely because—

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- (a) the agreement of the Welsh Ministers, the First Minister or the Counsel General is required to the exercise of a function by a Minister of the Crown in relation to the reporting authority's functions, or
  - (b) the Welsh Ministers, the First Minister or the Counsel General must be consulted by a Minister of the Crown about the exercise of a function in relation to the reporting authority's functions.
- (8) In those sections and this section—
- (a) “Counsel General” and “Wales” have the same meanings as in the Government of Wales Act 2006 (c. 32);
  - (b) “Minister of the Crown” includes a government department.

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#### Textual Amendments

- F1** Words in s. 70(1)(c) substituted (N.I.) (1.4.2015) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), **Sch. 6 para. 102** (with s. 211); S.R. 2015/49, art. 3, Sch. 1 (with Sch. 2)
- F2** Words in s. 70(4)(b) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), **Sch. 6 para. 73** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(r)
- F3** Words in s. 70(6)(b) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), **Sch. 6 para. 73** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(r)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 86(1)(a) words renumbered as s. 86(1)(a) by [2016 c. 22 s. 211\(2\)\(a\)](#)
- s. 86(1)(b) and word inserted by [2016 c. 22 s. 211\(2\)\(b\)](#)
- s. 86(7A)(7B) inserted by [2016 c. 22 s. 211\(5\)](#)