



# Climate Change Act 2008

## 2008 CHAPTER 27

### PART 4

#### IMPACT OF AND ADAPTATION TO CLIMATE CHANGE

##### *Reporting authorities: non-devolved functions*

#### **61 Guidance by Secretary of State to reporting authorities**

- (1) The Secretary of State may issue guidance to reporting authorities about—
  - (a) assessing the current and predicted impact of climate change in relation to the authorities' functions,
  - (b) preparing proposals and policies for adapting to climate change in the exercise of their functions, and
  - (c) co-operating with other reporting authorities for that purpose.
- (2) This section does not apply to devolved functions.

#### **62 Directions by Secretary of State to prepare reports**

- (1) The Secretary of State may direct a reporting authority to prepare a report containing any of the following—
  - (a) an assessment of the current and predicted impact of climate change in relation to the authority's functions;
  - (b) a statement of the authority's proposals and policies for adapting to climate change in the exercise of its functions and the time-scales for introducing those proposals and policies;
  - (c) an assessment of the progress made by the authority towards implementing the proposals and policies set out in its previous reports.
- (2) The Secretary of State may direct two or more reporting authorities to prepare a joint report.

*Status: Point in time view as at 26/01/2009.*

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- (3) The Secretary of State may give directions about—
  - (a) the time within which a report must be prepared, and
  - (b) its content,
 and may, in particular, require it to cover a particular geographical area.
- (4) This section does not apply to devolved functions.

### **63 Compliance with Secretary of State's directions**

- (1) A reporting authority must comply with any directions under section 62.
- (2) Where two or more reporting authorities are directed to prepare a joint report, they must take reasonable steps to co-operate with each other for that purpose.
- (3) In preparing a report, a reporting authority must have regard to the following, so far as relevant—
  - (a) the most recent report under section 56 (report on impact of climate change);
  - (b) the most recent programme under section 58 (programme for adaptation to climate change);
  - (c) any guidance issued by the Secretary of State under section 61.
- (4) If the authority—
  - (a) has functions that are exercisable in or as regards Wales, or
  - (b) has devolved Welsh functions,
 it must also have regard, so far as relevant, to any guidance issued by the Welsh Ministers under section 66 and the most recent report under section 80 (report on climate change: Wales).
- (5) The authority must send a copy of the report to the Secretary of State.
- (6) The Secretary of State must publish the report in such manner as the Secretary of State considers appropriate.
- (7) This does not require the Secretary of State to publish—
  - (a) information the Secretary of State could refuse to disclose in response to a request under—
    - (i) the Freedom of Information Act 2000 (c. 36), or
    - (ii) the Environmental Information Regulations 2004 (S.I. 2004/3391) or any regulations replacing those regulations;
  - (b) information whose disclosure is prohibited by any enactment.
- (8) The authority must have regard to the report in exercising its functions other than its devolved functions.

### **64 Consent of, or consultation with, devolved authorities**

- (1) The Secretary of State must obtain the consent of a devolved authority before issuing guidance under section 61 or giving a direction under section 62 relating to functions in relation to which—
  - (a) functions are exercisable jointly by that devolved authority and a Minister of the Crown, or

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- (b) functions are exercisable by a Minister of the Crown only with the agreement of that devolved authority.
- (2) The Secretary of State must consult a devolved authority before issuing guidance under section 61 or giving a direction under section 62 relating to functions in relation to which—
  - (a) functions are exercisable by that devolved authority other than jointly with a Minister of the Crown, or
  - (b) functions are exercisable by a Minister of the Crown only after consultation with that devolved authority.

## **65 Report on exercise of power to give directions**

- (1) It is the duty of the Secretary of State to lay reports before Parliament setting out how the Secretary of State intends to exercise the power under section 62 to give directions to reporting authorities.
- (2) The reports must, in particular, identify—
  - (a) the circumstances in which directions are likely to be given, and
  - (b) the authorities or kinds of authority to whom the Secretary of State considers directions should be given as a matter of priority.
- (3) Nothing in a report under this section affects the exercise of the Secretary of State's power under section 62.
- (4) Before laying a report under this section before Parliament the Secretary of State must consult such persons likely to be affected by the report as the Secretary of State considers appropriate.
- (5) The first report under this section must be laid before Parliament no later than 12 months after this Act is passed.
- (6) Subsequent reports must be laid before Parliament no later than the time when the next programme under section 58 is so laid.
- (7) The Secretary of State must send a copy of each report under this section to the other national authorities.

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