



Climate Change Act 2008

2008 CHAPTER 27

PART 3

TRADING SCHEMES

Authorities and regulations

48 Procedure for making regulations

- (1) Before making regulations under this Part, a national authority must—
 - (a) obtain, and take into account, the advice of the Committee on Climate Change, and
 - (b) consult such persons likely to be affected by the regulations as the authority considers appropriate.
- (2) In particular, before making regulations under this Part that set a limit on the total amount of the activities to which a trading scheme applies for a trading period or periods, a national authority must obtain, and take into account, the advice of the Committee on Climate Change on the amount of that limit.
- (3) Regulations under this Part are subject to affirmative resolution procedure if they contain provision—
 - (a) setting up a trading scheme,
 - (b) extending the class of participants or activities to which a trading scheme applies,
 - (c) extending the duration of a trading scheme,
 - (d) making the overall requirements of a trading scheme significantly more onerous,
 - (e) conferring new powers to enforce the requirements of a trading scheme,
 - (f) imposing or providing for the imposition of new financial or other penalties or increasing the amount of existing financial penalties,
 - (g) creating an offence or increasing the penalties for an existing offence, or

Changes to legislation: Climate Change Act 2008, Section 48 is up to date with all changes known to be in force on or before 14 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (h) amending or repealing a provision of an enactment contained in primary legislation.
- (4) Regulations under this Part are subject to affirmative resolution procedure if they are the first such regulations to contain provision under paragraph 31 of Schedule 2 (appeals).
- (5) Other regulations under this Part are subject to negative resolution procedure.
- (6) The relevant Northern Ireland department may only make regulations under this Part dealing with a reserved matter within the meaning of the Northern Ireland Act 1998 (c. 47) with the consent of the Secretary of State.

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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\(5\)](#)