

# CLIMATE CHANGE (SCOTLAND) ACT 2009

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## EXPLANATORY NOTES

### THE ACT

#### **Part 4 – Duties of Public Bodies Relating to Climate Change**

##### **Duties of public bodies relating to climate change**

85. Subsection (1) of section 44 places specific climate change duties on public bodies. They must, in exercising their functions, act in the way best calculated to achieve delivery of the targets in the Act, the way best calculated to help deliver any programme laid under section 53 of the Act (adaptation) and in a way that they consider most sustainable. Subsection (2) defines the term “public body”.
86. Subsection (3) enables the Scottish Ministers, by order, to impose further duties on public bodies in relation to climate change (in addition to those specified in subsection (1)). Subsection (6) allows the order to make different provision for different public bodies. A body which has climate change duties under subsection (1) or by virtue of an order under subsection (3) is a “relevant public body” (subsection (5)).
87. Subsections (7) and (8) oblige the Scottish Ministers, in so far as reasonably practicable, to consult with such associations of local authorities and such other persons as they consider appropriate before laying an order under subsection (3) imposing such duties. Subsection (9) states that the Scottish Ministers must co-operate with the relevant public bodies to help those bodies comply with duties imposed under this section.