



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

Changes to legislation: Climate Change Act 2008, Section 70 is up to date with all changes known to be in force on or before 24 January 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

- (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 [^{F2}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 [^{F3}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—

Changes to legislation: Climate Change Act 2008, Section 70 is up to date with all changes known to be in force on or before 24 January 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

- (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.

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)

Changes to legislation:

Climate Change Act 2008, Section 70 is up to date with all changes known to be in force on or before 24 January 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.

[View outstanding changes](#)

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\(5\)](#)