



# Climate Change Act 2008

## CHAPTER 27

### CLIMATE CHANGE ACT 2008

#### PART 1

##### CARBON TARGET AND BUDGETING

###### *The target for 2050*

- 1 The target for 2050
- 2 Amendment of 2050 target or baseline year
- 3 Consultation on order amending 2050 target or baseline year

###### *Carbon budgeting*

- 4 Carbon budgets
- 5 Level of carbon budgets
- 6 Amendment of target percentages
- 7 Consultation on order setting or amending target percentages
- 8 Setting of carbon budgets for budgetary periods
- 9 Consultation on carbon budgets
- 10 Matters to be taken into account in connection with carbon budgets

###### *Limit on use of carbon units*

- 11 Limit on use of carbon units

###### *Indicative annual ranges*

- 12 Duty to provide indicative annual ranges for net UK carbon account

###### *Proposals and policies for meeting carbon budgets*

- 13 Duty to prepare proposals and policies for meeting carbon budgets

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- 14 Duty to report on proposals and policies for meeting carbon budgets
- 15 Duty to have regard to need for UK domestic action on climate change

*Determination whether objectives met*

- 16 Annual statement of UK emissions
- 17 Powers to carry amounts from one budgetary period to another
- 18 Final statement for budgetary period
- 19 Duty to report on proposals and policies for compensating for budget excess
- 20 Final statement for 2050

*Alteration of budgets or budgetary periods*

- 21 Alteration of carbon budgets
- 22 Consultation on alteration of carbon budgets
- 23 Alteration of budgetary periods

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- 24 Targeted greenhouse gases
- 25 Base years for targeted greenhouse gases other than CO<sub>2</sub>

*Carbon units, carbon accounting and the net UK carbon account*

- 26 Carbon units and carbon accounting
- 27 Net UK carbon account
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43 Interpretation of Part 2

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55 Interpretation of Part 3

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58 Programme for adaptation to climate change

59 Reporting on progress in connection with adaptation

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*Reporting authorities: devolved Welsh functions*

66 Guidance by Welsh Ministers to reporting authorities

67 Directions by Welsh Ministers to prepare reports

68 Compliance with Welsh Ministers' directions

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- 69 Consent of, or consultation with, Secretary of State

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- 70 Interpretation

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### *Interpretation*

- 92 Meaning of “greenhouse gas”
- 93 Measurement of emissions etc by reference to carbon dioxide equivalent
- 94 Meaning of “international carbon reporting practice”
- 95 Meaning of “national authority”
- 96 Meaning of “relevant Northern Ireland department”
- 97 Minor definitions
- 98 Index of defined expressions

### *Final provisions*

- 99 Extent
- 100 Commencement
- 101 Short title

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## SCHEDULES

### SCHEDULE 1 — The Committee on Climate Change

#### *Membership*

- 1 (1) The Committee shall consist of— (a) a person appointed...
- 2 The national authorities may, after consulting the chair, appoint one...

#### *Term of office*

- 3 A member holds and vacates office in accordance with the...
- 4 A member may resign by giving written notice to the...
- 5 The national authorities may remove a member—
- 6 A person ceases to be the chair or the deputy...
- 7 A person who— (a) ceases to be a member, or...

#### *Remuneration and pensions etc*

- 8 The Committee may pay to the members such remuneration and...
- 9 The Committee must, if required to do so by the...
- 10 If the national authorities consider there are special circumstances which...

#### *Staff*

- 11 (1) The Committee must appoint a person to be chief...
- 12 The Committee may appoint other employees.
- 13 The Committee must, if required to do so by the...
- 14 (1) In Schedule 1 to the Superannuation Act 1972 (c....

#### *Sub-committees*

- 15 (1) The Committee may establish sub-committees. (2) A sub-committee may...

#### *The Adaptation Sub-Committee*

- 16 (1) There shall be a sub-committee of the Committee, to...

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### *Proceedings*

- 17 The Committee may regulate— (a) its own procedure (including quorum),...
- 18 The validity of anything done by the Committee or any...
- 19 The Committee must publish the minutes of its meetings in...

### *Discharge of functions*

- 20 The Committee may authorise a sub-committee, member or employee to...

### *Application of seal and proof of documents*

- 21 (1) The application of the Committee's seal must be authenticated...

### *Reports and accounts*

- 22 (1) For each financial year the Committee must—
- 23 In this Schedule “financial year” means— (a) the period beginning...
- 24 (1) The Committee must keep proper accounts and proper records...

### *Information*

- 25 (1) The Committee must provide the national authorities with such...

### *Publication of advice etc*

- 26 A requirement under this Act for the Committee to publish...

### *Status*

- 27 (1) The Committee is not to be regarded as the...

### *Public Records Act 1958 (c. 51)*

- 28 In Schedule 1 to the Public Records Act 1958 (definition...

### *Parliamentary Commissioner Act 1967 (c. 13)*

- 29 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments...

### *House of Commons Disqualification Act 1975 (c. 24)*

- 30 In Part 2 of Schedule 1 to the House of...

### *Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 31 In Part 2 of Schedule 1 to the Northern Ireland...

### *Race Relations Act 1976 (c. 74)*

- 32 In Part 2 of Schedule 1A to the Race Relations...

### *Freedom of Information Act 2000 (c. 36)*

- 33 In Part 6 of Schedule 1 to the Freedom of...

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*Scottish Public Services Ombudsman Act 2002 (asp 11)*

34 (1) The Scottish Public Services Ombudsman Act 2002 is amended...

*Public Services Ombudsman (Wales) Act 2005 (c. 10)*

35 In Schedule 3 to the Public Services Ombudsman (Wales) Act...

SCHEDULE 2 — Trading schemes

Part 1 — SCHEMES LIMITING ACTIVITIES

*Introductory*

1 This Part of this Schedule deals with trading schemes that...

*Trading periods*

2 The regulations must specify the period or periods by reference...

*Activities*

3 (1) The regulations must identify the activities to which the...

*Participants*

4 (1) The regulations must identify the persons to whom the...

*Allocation of allowances*

5 (1) The regulations may provide for the allocation among the...

*Use of allowances*

6 (1) The regulations may require each participant to have or...

*Credits*

7 (1) The regulations may enable participants to offset the carrying...

*Payments*

8 (1) The regulations may provide that a participant who does...

*Trading*

9 (1) The regulations must provide for the participants in a...

*Permits*

10 (1) The regulations may provide that participants may only carry...

*Units under other schemes*

11 (1) The regulations may make provision for recognising any of...

Part 2 — SCHEMES ENCOURAGING ACTIVITIES

*Introductory*

12 This Part of this Schedule deals with trading schemes that...

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*Trading periods*

- 13 The regulations must specify the period or periods by reference...

*Activities*

- 14 (1) The regulations must identify the activities to which the...

*Participants*

- 15 (1) The regulations must identify the persons to whom the...

*Targets and obligations*

- 16 The regulations must, for each trading period—

*Certificates*

- 17 (1) The regulations must provide for the issue of certificates...

*Payments*

- 18 (1) The regulations may provide that a participant who does...

*Trading*

- 19 (1) The regulations must provide for the participants in a...

*Units under other schemes*

- 20 (1) The regulations may make provision for recognising any of...  
Part 3 — ADMINISTRATION AND ENFORCEMENT

*The administrator*

- 21 (1) The regulations may appoint a person as the administrator...

*Information*

- 22 (1) The regulations may require such information as may be...

*Registers*

- 23 (1) The regulations may provide for the creation and maintenance...

*Publication of information*

- 24 The regulations may confer or impose functions on the administrator...

*Acquisition of units by the administrator*

- 25 The regulations may confer powers on the administrator of a...

*Charges*

- 26 (1) The regulations may— (a) require the payment by participants...



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### *Monitoring compliance*

- 27 (1) The regulations may make provision for monitoring compliance with...

### *Enforcement*

- 28 (1) The regulations may confer powers on a person to...

### *Penalties*

- 29 (1) The regulations may provide that a person is liable...

### *Offences*

- 30 (1) The regulations may create offences relating to trading schemes....

### *Appeals*

- 31 (1) The regulations may confer rights of appeal against—

#### SCHEDULE 3 — Trading schemes regulations: further provisions

##### Part 1 — REGULATIONS MADE BY A SINGLE NATIONAL AUTHORITY

- 1 This Part of this Schedule applies in relation to an...

- 2 (1) Where the instrument contains regulations that—

- 3 (1) An instrument containing regulations made by the Secretary of...

- 4 Any provision that may be made by regulations subject to...

##### Part 2 — REGULATIONS MADE BY TWO OR MORE NATIONAL AUTHORITIES

- 5 This Part of this Schedule applies in relation to an...

- 6 If any of the regulations are subject to affirmative resolution...

- 7 Paragraphs 2 and 3 (affirmative and negative resolution procedure) apply...

- 8 (1) If in accordance with paragraph 3 (negative resolution procedure)

—...

##### Part 3 — POWER TO MAKE PROVISION BY ORDER IN COUNCIL

- 9 (1) Her Majesty may by Order in Council make provision...

- 10 No recommendation is to be made to Her Majesty in...

- 11 (1) This paragraph applies to an Order in Council under...

- 12 (1) This paragraph applies to an Order in Council under...

- 13 (1) If in accordance with paragraph 12—

#### SCHEDULE 4 — Trading schemes: powers to require information

### *Introductory*

- 1 (1) The powers conferred by this Schedule are exercisable by...

### *Information from electricity suppliers and distributors*

- 2 (1) An environmental authority may, for the purposes of enabling...

### *Information from potential participants in a trading scheme*

- 3 (1) An environmental authority may, for the purposes of enabling...

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*Requirements for a valid notice*

- 4 (1) A notice under this Schedule must comply with the...

*Failure to comply with notice etc an offence*

- 5 (1) A person who— (a) fails without reasonable excuse to...

*Disclosure of information*

- 6 (1) This paragraph applies to information obtained by an environmental...

SCHEDULE 5 — Waste reduction schemes

Part 1 — MAIN PROVISIONS

- 1 After section 60 of the Environmental Protection Act 1990 (c....  
2 After Schedule 2A to that Act insert— SCHEDULE 2AA Waste...

Part 2 — CONSEQUENTIAL AMENDMENTS

- 3 (1) Section 46 of the Environmental Protection Act 1990 (c....  
4 (1) Section 161 of that Act (regulations, orders and directions)...

SCHEDULE 6 — Charges for carrier bags

Part 1 — POWERS TO MAKE REGULATIONS ABOUT CHARGES

*General power*

- 1 The relevant national authority may make provision by regulations about...

*Requirement to charge*

- 2 The regulations may make provision requiring sellers of goods to...  
2A The regulations may make provision for treating carrier bags as...  
4A Destination of proceeds – Wales  
4A (1) This paragraph applies to regulations made by the Department...  
4B Interpretation of paragraph 4A

*Sellers of goods*

- 3 (1) “Seller”, in relation to goods, has the meaning given...

*Amount of charge*

- 4 The regulations may specify the minimum amount that a seller...

*Carrier bags*

- 5 (1) “Single use carrier bagCarrier bag” has the meaning given...

*Administration*

- 6 (1) The regulations may appoint a person (an “administrator”) to...

*Registration*

- 6A (1) This paragraph applies to regulations made by—

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*Record-keeping and publication of records*

- 7 (1) The regulations may require records to be kept relating...

*Enforcement*

- 8 (1) The regulations may confer or impose powers or duties...  
Part 2 — CIVIL SANCTIONS

*Civil sanctions*

- 9 (1) The relevant national authority may make provision by regulations...

*Fixed monetary penalties*

- 10 (1) The regulations may make provision conferring on an administrator...

*Fixed monetary penalties: procedure*

- 11 (1) Provision under paragraph 10 must secure that—

*Discretionary requirements*

- 12 (1) The regulations may make provision conferring on an administrator...

*Discretionary requirements: procedure*

- 13 (1) Provision under paragraph 12 must secure that—

*Discretionary requirements: enforcement*

- 14 (1) Provision under paragraph 12 may include provision for a...

*Combination of sanctions*

- 15 (1) Provision may not be made under paragraphs 10 and...

*Monetary penalties*

- 16 (1) If the regulations confer power on an administrator to...

*Costs recovery*

- 17 (1) Provision under paragraph 12 may include provision for an...

*Appeals*

- 18 (1) The regulations may not provide for the making of...

*Publicity for imposition of civil sanctions*

- 19 (1) The regulations may make provision enabling an administrator to...

*Persons liable to civil sanctions*

- 20 The regulations may make provision about the persons liable to...

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*Guidance as to use of civil sanctions*

21 (1) Where power is conferred on an administrator by the...

*Publication of enforcement action*

22 (1) Where power is conferred on an administrator by the...

*Compliance with regulatory principles*

23 A relevant national authority may not make any provision conferring...

*Review*

24 (1) A relevant national authority must in accordance with this...

*Suspension*

25 (1) Where provision has been made by a relevant national...

*Payment of penalties into Consolidated Fund*

26 (1) Where pursuant to any provision made under this Schedule...  
Part 3 — PROCEDURES APPLYING TO REGULATIONS

*Regulations made by a single authority*

27 (1) This paragraph applies in relation to an instrument containing...

*Regulations made by two or more national authorities*

28 (1) This paragraph applies in relation to an instrument containing...

*Hybrid instruments*

29 If a draft of an instrument containing regulations under this...

SCHEDULE 7 — Renewable transport fuel obligations

*Introductory*

1 Chapter 5 of Part 2 of the Energy Act 2004...

*The Administrator*

2 For section 125 (the Administrator) substitute— Appointment of the Administrator...

*Determination of amounts of transport fuel*

3 In section 126 (determination of amounts of transport fuel), after...

*Discharge of obligation by payment*

4 In section 128 (discharge of obligation by payment), for subsections...

*Civil penalties*

5 In section 129 (imposition of civil penalties), for subsection (7)...

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*Disclosure of information*

- 6 After section 131 insert— Disclosure of information held by Revenue...

*Interpretation*

- 7 (1) Section 132(1) (interpretation of Chapter 5 of Part 2)...

SCHEDULE 8 — Carbon emissions reduction targets

*Gas Act 1986 (c. 44)*

- 1 (1) Section 33BC of the Gas Act 1986 (promotion of...

*Electricity Act 1989 (c. 29)*

- 2 In section 6(9) of the Electricity Act 1989 (definition of...  
3 (1) Section 41A of that Act (promotion of reductions in...  
4 (1) Section 42AA of that Act (publication of statistical information...  
5 In section 64(1) of that Act (interpretation etc of Part...

*Utilities Act 2000 (c. 27)*

- 6 (1) Section 103 of the Utilities Act 2000 (overall carbon...

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**Changes and effects yet to be applied to :**

- s. 86 heading words inserted by 2016 c. 22 s. 211(7)
- s. 77(3)(b) omitted by 2016 anaw 3 Sch. 2 para. 12(2)(a)
- s. 77(4)(aa) omitted by 2016 anaw 3 Sch. 2 para. 12(2)(b)
- s. 86(2)(a) words inserted by 2016 c. 22 s. 211(3)(a)
- s. 86(2)(b) words inserted by 2016 c. 22 s. 211(3)(b)
- s. 86(3) words inserted by 2016 c. 22 s. 211(4)(a)
- s. 86(3) words inserted by 2016 c. 22 s. 211(4)(b)
- s. 86(8) words substituted by 2016 c. 22 s. 211(6)
- s. 98 words omitted by 2016 anaw 3 Sch. 2 para. 12(3)
- Sch. 6 para. 4A4B omitted by 2016 anaw 3 Sch. 2 para. 12(4)(a)
- Sch. 6 para. 7(3A) omitted by 2016 anaw 3 Sch. 2 para. 12(4)(b)
- Sch. 6 para. 8(2A) omitted by 2016 anaw 3 Sch. 2 para. 12(4)(c)
- Sch. 6 para. 24(6)(b) omitted by 2016 anaw 3 Sch. 2 para. 12(4)(d)
- Sch. 6 para. 25(5)(b) omitted by 2016 anaw 3 Sch. 2 para. 12(4)(e)
- Sch. 6 para. 26(2)(a) omitted by 2016 anaw 3 Sch. 2 para. 12(4)(f)
- Sch. 6 para. 27(5) omitted by 2016 anaw 3 Sch. 2 para. 12(4)(g)
- Sch. 6 para. 28(1)(b) omitted by 2016 anaw 3 Sch. 2 para. 12(4)(i)(ii)
- Sch. 6 para. 28(1) words omitted by 2016 anaw 3 Sch. 2 para. 12(4)(i)(i)
- Sch. 6 para. 28 cross-heading words substituted by 2016 anaw 3 Sch. 2 para. 12(4)(h)

**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)