

*These notes refer to the Climate Change Act 2008 (c.27)
which received Royal Assent on 26th November 2008*

CLIMATE CHANGE ACT 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: The Committee on Climate Change

The Committee

Schedule 1: The Committee on Climate Change

163. *Schedule 1* makes further provision about the Committee, including provision on its membership, staff, procedures and other administrative requirements.
164. *Paragraphs 1 and 2* make provision in respect of the membership of the Committee on Climate Change. The Committee will have a chair and between five and eight members (one of whom may be appointed as the deputy chair) who will be appointed jointly by the Secretary of State the Scottish Ministers, the Welsh Ministers and the relevant Northern Ireland department (together, the “national authorities”) after consultation with the chairperson. The Secretary of State may, with the consent of the other national authorities, amend the number of members by negative resolution order. Paragraph 1(3) gives a list, in alphabetical order, of the areas of experience and knowledge that are desirable in the Committee’s membership, taken as a whole.
165. *Paragraph 3* provides that a person will be a member of the Committee on the terms which are set upon appointment (which will include terms about the length of time the person is to serve on the Committee). *Paragraphs 4 to 7* make provision about how members can resign, the situations in which they can be removed from their posts, and allows the reappointment of members.
166. *Paragraphs 8 to 10* allow the national authorities to pay remuneration and allowances to members, and allow the national authorities to provide pensions for members or to make payments towards the provision of pensions. They also allow payments of compensation to outgoing members in special circumstances.
167. *Paragraphs 11 to 14* relate to the Committee’s employees. The Committee must appoint a chief executive who has been approved by the national authorities. It may also appoint other employees. These paragraphs make provision about employees’ pay and pensions, and allow employees to be pensionable under the Principal Civil Service Pension Scheme.
168. *Paragraphs 15 to 21* make provision about how the Committee may operate. The Committee can set up sub-committees, which can include people who are not members of the Committee (and they may be paid remuneration and allowances).
169. *Paragraph 16* establishes a sub-committee of the Committee to be known as the Adaptation Sub-Committee or, in Welsh, as yr Is-bwyllgor Addasu; it is referred to in the rest of paragraph 16 as “the ASC”. The ASC will have a chair and not less than 5 other members appointed by the national authorities. Before appointing the ASC chair, the national authorities must consult the chair of the Committee; the ASC chair must

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be consulted before ASC members are appointed. Paragraph 16(4) provides that the ASC's role is to provide the Committee with such advice, analysis, information or other assistance as it may require in exercising its functions under sections 38(1)(c) (advice on adaptation requested by national authorities), 57 (advice on report on impact of climate change) and 59 (reporting on progress in connection with adaptation).

170. The Committee is allowed to regulate its own procedure (including quorum) and sub-committee procedures. The Committee is required to publish the minutes of its meetings in any manner it considers appropriate. The Committee may authorise a sub-committee, member or employee to exercise its functions.
171. *Paragraphs 22 to 25* require the Committee to prepare annual reports and annual statements of accounts; reports and accounts must be laid before Parliament, the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly. The Committee's accounts will be audited by the National Audit Office. The Committee is placed under a duty to keep proper records, and must provide information to the national authorities on request.
172. *Paragraph 26* provides that the Committee is not required to publish anything it is prohibited from publishing or that it would not be required to publish under the [Freedom of Information Act 2000 \(c.36\)](#) or the [Environmental Information Regulations 2004 \(S.I. 2004/3391\)](#).
173. *Paragraph 27* provides that the Committee is not a Crown body. It will be a statutory non-departmental public body, and its employees will not be civil servants.
174. *Paragraphs 28 to 35* make amendments to, and provision in relation to, several enactments relating to public bodies; these have several effects, including that the body is subject to freedom of information laws, that the chair and members cannot be members of Parliament, and that the Committee's activities can be subject to investigation by the Scottish Parliament and the appropriate Parliamentary ombudsman.