



# Climate Change Act 2008

## 2008 CHAPTER 27

### PART 4

#### IMPACT OF AND ADAPTATION TO CLIMATE CHANGE

##### *National reports and programmes*

#### **56 Report on impact of climate change**

- (1) It is the duty of the Secretary of State to lay reports before Parliament containing an assessment of the risks for the United Kingdom of the current and predicted impact of climate change.
- (2) The first report under this section must be laid before Parliament no later than three years after this section comes into force.
- (3) Subsequent reports must be laid before Parliament no later than five years after the previous report was so laid.
- (4) The Secretary of State may extend the period for laying any such report, but must publish a statement setting out the reasons for the delay and specifying when the report will be laid before Parliament.
- (5) Before laying a report under this section before Parliament, the Secretary of State must take into account the advice of the Committee on Climate Change under section 57.
- (6) The Secretary of State must send a copy of each report under this section to the other national authorities.

#### **57 Advice of Committee on Climate Change on impact report**

- (1) It is the duty of the Committee on Climate Change to advise the Secretary of State on the preparation of each of the Secretary of State's reports under section 56.

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- (2) The Committee must give its advice under this section in relation to a report not later than six months before the last date for laying the report before Parliament (see subsections (2) to (4) of section 56).
- (3) The Committee must, at the time it gives its advice under this section to the Secretary of State, send a copy to the other national authorities.
- (4) As soon as is reasonably practicable after giving its advice under this section the Committee must publish that advice in such manner as it considers appropriate.

## **58 Programme for adaptation to climate change**

- (1) It is the duty of the Secretary of State to lay programmes before Parliament setting out —
  - (a) the objectives of Her Majesty’s Government in the United Kingdom in relation to adaptation to climate change,
  - (b) the Government’s proposals and policies for meeting those objectives, and
  - (c) the time-scales for introducing those proposals and policies,addressing the risks identified in the most recent report under section 56.
- (2) The objectives, proposals and policies must be such as to contribute to sustainable development.
- (3) Each programme under this section must be laid before Parliament as soon as is reasonably practicable after the laying of the report under section 56 to which it relates.
- (4) The Secretary of State must send a copy of each programme under this section to the other national authorities.

## **59 Reporting on progress in connection with adaptation**

- (1) Each report of the Committee on Climate Change under section 36 to which this section applies must contain an assessment of the progress made towards implementing the objectives, proposals and policies set out in the programmes laid before Parliament under section 58 (adaptation to climate change).
- (2) This section applies to the report in the second year after that in which the Secretary of State lays the first programme under section 58 before Parliament.
- (3) After that, this section applies to the report under section 36 in every second year after that in which the Committee last made a report to which this section applies, subject to any order under subsection (4).
- (4) The Secretary of State may by order provide that this section shall apply to the report under section 36 in the year specified in the order and in every subsequent year.
- (5) An order under subsection (4) is subject to negative resolution procedure.

## **60 Programme for adaptation to climate change: Northern Ireland**

- (1) It is the duty of the relevant Northern Ireland department to lay programmes before the Northern Ireland Assembly setting out—
  - (a) the objectives of the department in relation to adaptation to climate change,
  - (b) the department’s proposals and policies for meeting those objectives, and

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- (c) the time-scales for introducing those proposals and policies, addressing the risks identified in the most recent report under section 56.
- (2) The objectives, proposals and policies must be such as to contribute to sustainable development.
- (3) The second and each subsequent programme under this section must contain an assessment of the progress made towards implementing the objectives, proposals and policies set out in earlier programmes.
- (4) Each programme under this section must be laid before the Northern Ireland Assembly as soon as is reasonably practicable after the laying before Parliament of the report under section 56 to which it relates.
- (5) The relevant Northern Ireland department must send a copy of each programme under this section to the other national authorities.

*Reporting authorities: non-devolved functions*

**61 Guidance by Secretary of State to reporting authorities**

- (1) The Secretary of State may issue guidance to reporting authorities about—
  - (a) assessing the current and predicted impact of climate change in relation to the authorities' functions,
  - (b) preparing proposals and policies for adapting to climate change in the exercise of their functions, and
  - (c) co-operating with other reporting authorities for that purpose.
- (2) This section does not apply to devolved functions.

**62 Directions by Secretary of State to prepare reports**

- (1) The Secretary of State may direct a reporting authority to prepare a report containing any of the following—
  - (a) an assessment of the current and predicted impact of climate change in relation to the authority's functions;
  - (b) a statement of the authority's proposals and policies for adapting to climate change in the exercise of its functions and the time-scales for introducing those proposals and policies;
  - (c) an assessment of the progress made by the authority towards implementing the proposals and policies set out in its previous reports.
- (2) The Secretary of State may direct two or more reporting authorities to prepare a joint report.
- (3) The Secretary of State may give directions about—
  - (a) the time within which a report must be prepared, and
  - (b) its content,and may, in particular, require it to cover a particular geographical area.
- (4) This section does not apply to devolved functions.

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### **63 Compliance with Secretary of State's directions**

- (1) A reporting authority must comply with any directions under section 62.
- (2) Where two or more reporting authorities are directed to prepare a joint report, they must take reasonable steps to co-operate with each other for that purpose.
- (3) In preparing a report, a reporting authority must have regard to the following, so far as relevant—
  - (a) the most recent report under section 56 (report on impact of climate change);
  - (b) the most recent programme under section 58 (programme for adaptation to climate change);
  - (c) any guidance issued by the Secretary of State under section 61.
- (4) If the authority—
  - (a) has functions that are exercisable in or as regards Wales, or
  - (b) has devolved Welsh functions,it must also have regard, so far as relevant, to any guidance issued by the Welsh Ministers under section 66 and the most recent report under section 80 (report on climate change: Wales).
- (5) The authority must send a copy of the report to the Secretary of State.
- (6) The Secretary of State must publish the report in such manner as the Secretary of State considers appropriate.
- (7) This does not require the Secretary of State to publish—
  - (a) information the Secretary of State could refuse to disclose in response to a request under—
    - (i) the Freedom of Information Act 2000 (c. 36), or
    - (ii) the Environmental Information Regulations 2004 (S.I. 2004/3391) or any regulations replacing those regulations;
  - (b) information whose disclosure is prohibited by any enactment.
- (8) The authority must have regard to the report in exercising its functions other than its devolved functions.

### **64 Consent of, or consultation with, devolved authorities**

- (1) The Secretary of State must obtain the consent of a devolved authority before issuing guidance under section 61 or giving a direction under section 62 relating to functions in relation to which—
  - (a) functions are exercisable jointly by that devolved authority and a Minister of the Crown, or
  - (b) functions are exercisable by a Minister of the Crown only with the agreement of that devolved authority.
- (2) The Secretary of State must consult a devolved authority before issuing guidance under section 61 or giving a direction under section 62 relating to functions in relation to which—
  - (a) functions are exercisable by that devolved authority other than jointly with a Minister of the Crown, or

- (b) functions are exercisable by a Minister of the Crown only after consultation with that devolved authority.

## **65 Report on exercise of power to give directions**

- (1) It is the duty of the Secretary of State to lay reports before Parliament setting out how the Secretary of State intends to exercise the power under section 62 to give directions to reporting authorities.
- (2) The reports must, in particular, identify—
  - (a) the circumstances in which directions are likely to be given, and
  - (b) the authorities or kinds of authority to whom the Secretary of State considers directions should be given as a matter of priority.
- (3) Nothing in a report under this section affects the exercise of the Secretary of State's power under section 62.
- (4) Before laying a report under this section before Parliament the Secretary of State must consult such persons likely to be affected by the report as the Secretary of State considers appropriate.
- (5) The first report under this section must be laid before Parliament no later than 12 months after this Act is passed.
- (6) Subsequent reports must be laid before Parliament no later than the time when the next programme under section 58 is so laid.
- (7) The Secretary of State must send a copy of each report under this section to the other national authorities.

*Reporting authorities: devolved Welsh functions*

## **66 Guidance by Welsh Ministers to reporting authorities**

The Welsh Ministers may issue guidance to reporting authorities about—

- (a) assessing the current and predicted impact of climate change in relation to the authorities' devolved Welsh functions,
- (b) preparing proposals and policies for adapting to climate change in the exercise of those functions, and
- (c) co-operating with other reporting authorities for that purpose.

## **67 Directions by Welsh Ministers to prepare reports**

- (1) The Welsh Ministers may direct a reporting authority to prepare a report containing any of the following—
  - (a) an assessment of the current and predicted impact of climate change in relation to the authority's devolved Welsh functions;
  - (b) a statement of the authority's proposals and policies for adapting to climate change in the exercise of those functions and the time-scales for introducing those proposals and policies;
  - (c) an assessment of the progress made by the authority towards implementing the proposals and policies set out in its previous reports.

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- (2) The Welsh Ministers may direct two or more reporting authorities to prepare a joint report.
- (3) The Welsh Ministers may give directions about—
  - (a) the time within which a report must be prepared, and
  - (b) its content,
 and may, in particular, require it to cover a particular geographical area.

## **68 Compliance with Welsh Ministers' directions**

- (1) A reporting authority must comply with any directions under section 67.
- (2) Where two or more reporting authorities are directed to prepare a joint report, they must take reasonable steps to co-operate with each other for that purpose.
- (3) In preparing a report, a reporting authority must have regard to the following, so far as relevant—
  - (a) the most recent report under section 56 (report on impact of climate change);
  - (b) the most recent programme under section 58 (programme for adaptation to climate change);
  - (c) any guidance issued by the Secretary of State under section 61;
  - (d) any guidance issued by the Welsh Ministers under section 66;
  - (e) the most recent report under section 80 (report on climate change: Wales).
- (4) The authority must send a copy of the report to the Welsh Ministers.
- (5) The Welsh Ministers must publish the report in such manner as they consider appropriate.
- (6) This does not require the Welsh Ministers to publish—
  - (a) information they could refuse to disclose in response to a request under—
    - (i) the Freedom of Information Act 2000 (c. 36), or
    - (ii) the Environmental Information Regulations 2004 (S.I. 2004/3391) or any regulations replacing those regulations;
  - (b) information whose disclosure is prohibited by any enactment.
- (7) The authority must have regard to the report in exercising its devolved Welsh functions.

## **69 Consent of, or consultation with, Secretary of State**

- (1) The Welsh Ministers must obtain the consent of the Secretary of State before issuing guidance under section 66 or giving a direction under section 67 relating to functions in relation to which—
  - (a) functions are exercisable by a Minister of the Crown jointly with the Welsh Ministers, the First Minister or the Counsel General, or
  - (b) functions are exercisable by the Welsh Ministers, the First Minister or the Counsel General only with the agreement of a Minister of the Crown.
- (2) The Welsh Ministers must consult the Secretary of State before issuing guidance under section 66 or giving a direction under section 67 relating to functions in relation to which—

- (a) functions are exercisable by a Minister of the Crown other than jointly with the Welsh Ministers, the First Minister or the Counsel General, or
- (b) functions are exercisable by the Welsh Ministers, the First Minister or the Counsel General only after consultation with a Minister of the Crown.

### *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 the Planning (Northern Ireland) Order 1991 (S.I. 1991/1220 (N.I. 11)) (see Article 2(1) of that Order).
- (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
  - (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 relating to matters 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—

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- (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 relating to matters 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—
- (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.