Climate Change Act 2008

2008 CHAPTER 27

PART 5

OTHER PROVISIONS

Miscellaneous

80 Report on climate change: Wales

(1) It is the duty of the Welsh Ministers to lay before the National Assembly for Wales from time to time a report on—

(a) the objectives of the Welsh Ministers in relation to greenhouse gas emissions and the impact of climate change in Wales,

(b) the action that has been taken by the Welsh Ministers and others to deal with such emissions and that impact, and

(c) the future priorities for the Welsh Ministers and others for dealing with such emissions and that impact.

(2) The report must, in particular, set out how the Welsh Ministers intend to exercise the power to give directions under section 67 (directions to reporting authorities to prepare adaptation reports).

(3) Nothing in a report under this section affects the exercise of the Welsh Ministers' power under that section.

(4) The second and each subsequent report under this section must contain an assessment of the progress made towards implementing the objectives mentioned in the earlier reports.

(5) In this section "Wales" has the same meaning as in the Government of Wales Act 2006 (c. 32).

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PROSPECTIVE

81 Climate change measures reports in Wales

(1) The Climate Change and Sustainable Energy Act 2006 (c. 19) is amended as follows.

(2) After section 3 insert—

"3A Local authorities in Wales to have regard to climate change measures reports

(1) The Welsh Ministers must from time to time publish a climate change measures report.

(2) A local authority in Wales must, in exercising its functions, have regard to any current climate change measures report.

(3) A "climate change measures report" means a report containing information about the local authority measures the Welsh Ministers consider would or might have any of the following effects—

(a) improving efficiency in the use of any description or source of energy;

(b) increasing the amount of energy generated, or heat produced, by microgeneration;

(c) increasing the amount of energy generated, or heat produced, by plant that relies wholly or mainly on a source of energy or a technology listed in section 26(2);

(d) reducing emissions of greenhouse gases;

(e) reducing the number of households in which one or more persons are living in fuel poverty;

(f) addressing the impact of climate change.

(4) Before publishing a climate change measures report, the Welsh Ministers must consult such representatives of local government, and such other persons, as the Welsh Ministers consider appropriate.

(5) The Secretary of State's consent is required to the publication in a climate change measures report of information about a local authority measure to which subsection (6) applies.

(6) This subsection applies to a local authority measure if the Secretary of State has a function in relation to the measure of—

(a) making subordinate legislation,

(b) issuing guidance or directions, or

(c) making determinations or hearing appeals,

and that function is exercisable in relation to Wales.

(7) In this section—

"local authority" means any of the following—

(a) a county council;

(b) a county borough council;

(c) a community council;

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"local authority measure" means anything a local authority in Wales may do in the exercise of its functions (including deciding not to exercise a power).".

[F1](3) . . . . . .

Textual Amendments

F1 S. 81(3) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), **ss. 57(4)(b)**, 115(3)(e)

82 Repeal of previous reporting obligation

Section 2 of the Climate Change and Sustainable Energy Act 2006 (c. 19) (annual report on greenhouse gas emissions) is repealed.

83 Guidance on reporting

(1) The Secretary of State must publish guidance on the measurement or calculation of greenhouse gas emissions to assist the reporting by persons on such emissions from activities for which they are responsible.

(2) The guidance must be published not later than 1st October 2009.

(3) The Secretary of State may from time to time publish revisions to guidance under this section or revised guidance.

(4) Before publishing guidance under this section or revisions to it, the Secretary of State must consult the other national authorities.

(5) Guidance under this section and revisions to it may be published in such manner as the Secretary of State thinks fit.

84 Report on contribution of reporting to climate change objectives

(1) The Secretary of State must—

(a) review the contribution that reporting on greenhouse gas emissions may make to the achievement of the objectives of Her Majesty's Government in the United Kingdom in relation to climate change, and

(b) lay a report before Parliament setting out the conclusions of that review.

(2) The report must be laid before Parliament not later than 1st December 2010.

(3) In complying with this section the Secretary of State must consult the other national authorities.

85 Regulations about reporting by companies

(1) The Secretary of State must, not later than 6th April 2012—

(a) make regulations under section 416(4) of the Companies Act 2006 (c. 46) requiring the directors' report of a company to contain such information as may be specified in the regulations about emissions of greenhouse gases from activities for which the company is responsible, or

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(b) lay before Parliament a report explaining why no such regulations have been made.

(2) Subsection (1)(a) is complied with if regulations are made containing provision in relation to companies, and emissions, of a description specified in the regulations.

86 Report on the civil estate

(1) It is the duty of the **[**[F2]Minister for the Cabinet Office**]** to lay before Parliament in respect of each year, beginning with the year 2008, a report containing an assessment of the progress made in the year towards improving the efficiency and contribution to sustainability of buildings that are part of the civil estate.

(2) The report must, in particular, include an assessment of the progress made in the year to which it relates towards—

(a) reducing the size of the civil estate, and

(b) ensuring that buildings that become part of the civil estate fall within the top quartile of energy performance.

(3) If a building that does not fall within the top quartile of energy performance becomes part of the civil estate in the year to which the report relates, the report must state the reasons why the building has nevertheless become part of the civil estate.

(4) A report under this section must be laid before Parliament not later than 1st June in the year following the year to which it relates.

(5) In this section "building" means a building that uses energy for heating or cooling the whole or any part of its interior.

(6) For the purposes of this section, a building is part of the civil estate if it is—

(a) used for the purposes of central government administration, and

(b) of a description of buildings for which, at the passing of this Act, the Treasury has responsibilities in relation to efficiency and sustainability.

(7) The **[**[F3]Minister for the Cabinet Office**]** may by order provide for buildings of a specified description to be treated as being, or as not being, part of the civil estate for the purposes of this section.

(8) Any such order is subject to affirmative resolution procedure.

Textual Amendments

F2 Words in s. 86(1) substituted (13.4.2011) by The Transfer of Functions (Report on the Civil Estate) Order 2011 (S.I. 2011/740), arts. 1(2), **3**

F3 Words in s. 86(7) substituted (13.4.2011) by The Transfer of Functions (Report on the Civil Estate) Order 2011 (S.I. 2011/740), arts. 1(2), **3**

Modifications etc. (not altering text)

C1 S. 86 transfer of functions (13.4.2011) by The Transfer of Functions (Report on the Civil Estate) Order 2011 (S.I. 2011/740), arts. 1(2), **2**

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87 Power of Ministers and departments to offset greenhouse gas emissions

(1) An authority to which this section applies may acquire and dispose of units or interests in units representing—

(a) a reduction in an amount of greenhouse gas emissions,

(b) the removal of an amount of greenhouse gas from the atmosphere, or

(c) an amount of greenhouse gas emissions allowed under a scheme or arrangement imposing a limit on such emissions.

(2) This section applies to—

(a) any Minister of the Crown or government department;

(b) the Scottish Ministers;

(c) the Welsh Ministers;

(d) any Northern Ireland department.

(3) If the Treasury acquire such units or interests in units, until they are disposed of they shall be treated as held by the persons for the time being constituting the Treasury.

88 Fines for offences relating to pollution

(1) In section 105(2) of the Clean Neighbourhoods and Environment Act 2005 (c. 16) (which postpones the increase by subsection (1)(b) in maximum fines under regulations under the Pollution Prevention and Control Act 1999 (c. 24) pending the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44)), for "Subsection (1)" substitute " Subsection (1)(a) ".

[F4](2) . . . . . .

Textual Amendments

F4 S. 88(2) repealed (6.4.2010) by The Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675), reg. 1(1)(b), **Sch. 28** (with reg. 1(2), Sch. 4)

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Changes and effects yet to be applied to :

– s. 86 heading words inserted by 2016 c. 22 s. 211(7)

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)