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SCHEDULES

SCHEDULE 1

Section 32

THE COMMITTEE ON CLIMATE CHANGE

Membership

- 1 (1) The Committee shall consist of—
 - (a) a person appointed by the national authorities to chair the Committee (“the chair”), and
 - (b) not less than five and not more than eight other members appointed by the national authorities.
- (2) The national authorities must consult the chair before appointing the other members.
- (3) In appointing a member, the national authorities must have regard to the desirability of securing that the Committee (taken as a whole) has experience in or knowledge of the following—
 - (a) business competitiveness;
 - (b) climate change policy at national and international level, and in particular the social impacts of such policy;
 - (c) climate science, and other branches of environmental science;
 - (d) differences in circumstances between England, Wales, Scotland and Northern Ireland and the capacity of national authorities to take action in relation to climate change;
 - (e) economic analysis and forecasting;
 - (f) emissions trading;
 - (g) energy production and supply;
 - (h) financial investment;
 - (i) technology development and diffusion.
- (4) The Secretary of State may by order amend sub-paragraph (1)(b) so as to alter the minimum or maximum number of members of the Committee.
- (5) Such an order may only be made with the consent of the other national authorities.
- (6) Any such order is subject to negative resolution procedure.
- 2 The national authorities may, after consulting the chair, appoint one of the members as deputy to the chair (“the deputy chair”).

Term of office

- 3 A member holds and vacates office in accordance with the terms of the member's appointment.
- 4 A member may resign by giving written notice to the Secretary of State.

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- 5 The national authorities may remove a member—
- (a) who has been absent from meetings of the Committee without its permission for a period of 6 months or more,
 - (b) who has become bankrupt or has made an arrangement with creditors,
 - (c) whose estate has been sequestrated in Scotland or who, under Scots law, has made a composition or arrangement with, or granted a trust deed for, creditors, or
 - (d) who in the opinion of the national authorities is otherwise unable or unfit to carry out the duties of that member.
- 6 A person ceases to be the chair or the deputy chair if the person—
- (a) resigns that office by giving written notice to the Secretary of State, or
 - (b) ceases to be a member.
- 7 A person who—
- (a) ceases to be a member, or
 - (b) ceases to be the chair or the deputy chair,
- may be reappointed to that office.

Remuneration and pensions etc

- 8 The Committee may pay to the members such remuneration and allowances as the national authorities may determine.
- 9 The Committee must, if required to do so by the national authorities—
- (a) pay such pensions, gratuities or allowances as the national authorities may determine to or in respect of any person who is or has been a member, or
 - (b) pay such sums as the national authorities may determine towards provision for the payment of pensions, gratuities or allowances to or in respect of such a person.
- 10 If the national authorities consider there are special circumstances which make it right for a person who has ceased to be a member to receive compensation, the Committee must pay the person such compensation as the national authorities may determine.

Staff

- 11 (1) The Committee must appoint a person to be chief executive, but may only appoint a person who has been approved by the national authorities.
- (2) The chief executive is an employee of the Committee.
- 12 The Committee may appoint other employees.
- 13 The Committee must, if required to do so by the national authorities—
- (a) pay such pensions, gratuities or allowances as the national authorities may determine to or in respect of any employee or former employee, or
 - (b) pay such sums as the national authorities may determine towards provision for the payment of pensions, gratuities or allowances to or in respect of any employee or former employee.

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- 14 (1) In Schedule 1 to the Superannuation Act 1972 (c. 11) (kinds of employment to which section 1 of that Act applies), in the list of other bodies, at the appropriate place insert — “ The Committee on Climate Change. ”
- (2) The Committee must pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as the Minister may determine in respect of any increase attributable to sub-paragraph (1) in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

Sub-committees

- 15 (1) The Committee may establish sub-committees.
- (2) A sub-committee may include persons who are not members of the Committee.
- (3) The Committee may pay such remuneration and allowances as the national authorities may determine to any person who—
- (a) is a member of a sub-committee, but
 - (b) is not a member of the Committee.
- (4) This paragraph does not apply in relation to the Adaptation Sub-Committee.

The Adaptation Sub-Committee

- 16 (1) There shall be a sub-committee of the Committee, to be known as the Adaptation Sub-Committee or, in Welsh, as yr Is-bwyllgor Addasu (referred to in this paragraph as “the ASC”).
- (2) The ASC shall consist of—
- (a) a person appointed by the national authorities to chair the ASC (“the ASC chair”), and
 - (b) not less than five other members appointed by the national authorities.
- (3) The national authorities must—
- (a) consult the chair before appointing the ASC chair, and
 - (b) consult the ASC chair before appointing the other members of the ASC.
- (4) A person ceases to be the ASC chair if the person—
- (a) resigns that office by giving written notice to the Secretary of State, or
 - (b) ceases to be a member of the ASC.
- (5) The ASC may include persons who are not members of the Committee.
- (6) Paragraphs 3 to 5 (term of office) apply to a person who is—
- (a) a member of the Committee, and
 - (b) a member of the ASC,
- in that person's capacity as a member of the ASC.
- (7) Those paragraphs and paragraphs 8 to 10 (remuneration and pensions etc) apply to a member of the ASC who is not a member of the Committee as they apply to a member of the Committee.
- (8) In the application of paragraph 5(a) by virtue of this paragraph, the reference to the Committee is a reference to the ASC.

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- (9) A person who—
- (a) ceases to be a member of the ASC, or
 - (b) ceases to be the ASC chair,
- may be reappointed to that office.
- (10) The ASC must provide the Committee with such advice, analysis, information or other assistance as the Committee may require in connection with the exercise of its functions under—
- (a) section 38(1)(c) (advice etc to national authorities on adaptation to climate change),
 - (b) section 57 (advice on report on impact of climate change), or
 - (c) section 59 (reporting on progress in connection with adaptation).

Proceedings

- 17 The Committee may regulate—
- (a) its own procedure (including quorum), and
 - (b) the procedure of any sub-committee (including quorum).
- 18 The validity of anything done by the Committee or any sub-committee is not affected by—
- (a) any vacancy in the membership of the Committee or sub-committee, or
 - (b) any defect in the appointment of any member of the Committee or sub-committee.
- 19 The Committee must publish the minutes of its meetings in such manner as it considers appropriate.

Discharge of functions

- 20 The Committee may authorise a sub-committee, member or employee to exercise any of the Committee's functions.

Application of seal and proof of documents

- 21 (1) The application of the Committee's seal must be authenticated by the signature of—
- (a) a member of the Committee who is authorised (generally or specially) for that purpose, or
 - (b) an employee who is so authorised.
- (2) A document purporting to be duly executed under the seal of the Committee or to be signed on behalf of the Committee shall be received in evidence and treated as so executed or signed unless the contrary is shown.
- (3) This paragraph does not apply in relation to Scotland.

Reports and accounts

- 22 (1) For each financial year the Committee must—
- (a) prepare an annual report on the discharge of its functions during the year, and
 - (b) send a copy to the national authorities within such period as the national authorities may direct.

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- (2) A copy of each report received under this paragraph must be laid—
- (a) by the Secretary of State before Parliament,
 - (b) by the Scottish Ministers before the Scottish Parliament,
 - (c) by the Welsh Ministers before the National Assembly for Wales, and
 - (d) by the relevant Northern Ireland department before the Northern Ireland Assembly.
- 23 In this Schedule “financial year” means—
- (a) the period beginning with the day the Committee is established and ending with the next 31st March, and
 - (b) each subsequent period of 12 months ending with 31st March.
- 24 (1) The Committee must keep proper accounts and proper records in relation to the accounts.
- (2) For each financial year the Committee must—
- (a) prepare a statement of accounts in respect of that financial year, and
 - (b) send a copy of the statement to the national authorities and the Comptroller and Auditor General within such period as the national authorities direct.
- (3) The statement must be in such form as the national authorities may direct.
- (4) The Comptroller and Auditor General must—
- (a) examine, certify and report on the statement, and
 - (b) send a copy of the certified statement and the report to the national authorities as soon as possible.
- (5) A copy of each statement received under sub-paragraph (4) must be laid—
- (a) by the Secretary of State before Parliament,
 - (b) by the Scottish Ministers before the Scottish Parliament,
 - (c) by the Welsh Ministers before the National Assembly for Wales, and
 - (d) by the relevant Northern Ireland department before the Northern Ireland Assembly.

Information

- 25 (1) The Committee must provide the national authorities with such information as they may request about its property.
- (2) The Committee must provide the Secretary of State with such information as the Secretary of State may request about the exercise or proposed exercise of its functions under—
- (a) Part 1 (carbon target and budgeting),
 - (b) section 33 (advice on level of 2050 target),
 - (c) section 34 (advice in connection with carbon budgets),
 - (d) section 35 (advice on emissions from international aviation and international shipping),
 - (e) section 36 (reports on progress),
 - (f) section 57 (advice on report on impact of climate change), or
 - (g) section 59 (reporting on progress in connection with adaptation).

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- (3) The Committee must provide a national authority with such information as the national authority may request about the exercise or proposed exercise of the Committee's functions under—
- (a) section 38 (duty to provide advice or assistance on request), or
 - (b) section 48 (advice on trading scheme regulations),
- in relation to that national authority.
- If the information relates to the exercise or proposed exercise of those functions in relation to two or more national authorities, the request must be made by all of them jointly.
- (4) The Committee must provide the national authorities with such information as they may request about the exercise or proposed exercise of any of its other functions.
- (5) The Committee must also—
- (a) permit any person authorised by a national authority to inspect and make copies of any accounts or other documents of the Committee, and
 - (b) provide such explanation of them as that person or the national authority may require.
- (6) Before exercising a function under sub-paragraph (5), the national authority must consult the other national authorities.

Publication of advice etc

- 26 A requirement under this Act for the Committee to publish anything does not oblige it to publish—
- (a) information it 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.

Status

- 27 (1) The Committee is not to be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown.
- (2) The Committee is to be treated as a cross-border public authority within the meaning of the Scotland Act 1998 (c. 46) for the purposes of the following provisions of that Act—
- (a) section 23(2)(b) (power of Scottish Parliament to require persons outside Scotland to attend to give evidence or produce documents);
 - (b) section 70(6) (legislation of Scottish Parliament not to require certain cross-border public authorities to prepare accounts).

Public Records Act 1958 (c. 51)

- 28 In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part 2 of the Table at the end of paragraph 3, at the appropriate place insert— “ The Committee on Climate Change. ”

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Parliamentary Commissioner Act 1967 (c. 13)

29 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation)—

- (a) at the appropriate place insert— “ The Committee on Climate Change. ”, and
- (b) in the notes at the appropriate place insert—
Committee on Climate Change

In the case of the Committee on Climate Change, no investigation is to be conducted in respect of any action taken by or on behalf of the Committee—

- (a) in the exercise in or as regards Scotland of any function to the extent that the function is exercisable within devolved competence (within the meaning of section 54 of the Scotland Act 1998), or
- (b) in connection with functions of the Committee in relation to Wales (within the meaning of the Government of Wales Act 2006).”

House of Commons Disqualification Act 1975 (c. 24)

30 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), at the appropriate place insert— “ The Committee on Climate Change. ”

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

31 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified), at the appropriate place insert— “ The Committee on Climate Change. ”

Race Relations Act 1976 (c. 74)

32 In Part 2 of Schedule 1A to the Race Relations Act 1976 (bodies and other persons subject to general statutory duty), at the appropriate place insert— “ The Committee on Climate Change. ”

Freedom of Information Act 2000 (c. 36)

33 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices which are public authorities), at the appropriate place insert— “ The Committee on Climate Change. ”

Scottish Public Services Ombudsman Act 2002 (asp 11)

34 (1) The Scottish Public Services Ombudsman Act 2002 is amended as follows.
(2) In section 7 (matters which may be investigated: restrictions), after subsection (6B) insert—

“(6C) The Ombudsman must not investigate action taken by or on behalf of the Committee on Climate Change in the exercise in or as regards Scotland of any function to the extent that the function is not exercisable within devolved competence (within the meaning of section 54 of the Scotland Act 1998).”

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(3) In Schedule 2 (persons liable to investigation), after paragraph 91A insert—
“91B The Committee on Climate Change.”

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

35 In Schedule 3 to the Public Services Ombudsman (Wales) Act 2005 (listed authorities), after the heading “Environment” insert— “The Committee on Climate Change.”

VALID FROM 26/01/2009

SCHEDULE 2

Section 46

TRADING SCHEMES

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VALID FROM 26/01/2009

SCHEDULE 3

Section 49

TRADING SCHEMES REGULATIONS: FURTHER PROVISIONS

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VALID FROM 26/01/2009

SCHEDULE 4

Section 50

TRADING SCHEMES: POWERS TO REQUIRE INFORMATION

Introductory

1 [F1(1) The powers conferred by this Schedule are exercisable by the following authorities—

- (a) the Secretary of State;
- (b) the Scottish Ministers;
- (c) the relevant Northern Ireland department;
- (d) the Welsh Ministers;
- (e) the Environment Agency;
- (f) the Scottish Environment Protection Agency.

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(2) References in this Schedule to an “environmental authority” are to any of those authorities.]

Textual Amendments

F1 Sch. 4 paras. 1-5 ceased to have effect (26.1.2009) by virtue of [Climate Change Act 2008 \(c. 27\)](#), ss. 50(2), 100(5)

Information from electricity suppliers and distributors

- 2 [F1(1) An environmental authority may, for the purposes of enabling a trading scheme to be established, by notice require an electricity supplier or electricity distributor to provide any of the following information—
- (a) information about the electricity meters and metering systems for which the supplier or distributor is responsible, including (in particular) their locations and any identifying features;
 - (b) information about the persons to whom electricity measured by those meters or systems is supplied or who purchase such electricity;
 - (c) information about the consumption by those persons of that electricity;
 - (d) any other information that the environmental authority considers necessary for identifying the potential participants in the scheme.
- (2) An “electricity supplier”—
- (a) in relation to England and Wales and Scotland means an authorised supplier within the meaning of the Electricity Act 1989 (c. 29) (see section 64(1) of that Act);
 - (b) in relation to Northern Ireland means—
 - (i) an electricity supplier within the meaning of the Electricity (Northern Ireland) Order 1992 (S.I. 1992/231) (N.I. 1) (see Article 3 of that Order), or
 - (ii) a person who may supply electricity to premises without a licence by virtue of an exemption under Article 9 of that Order.
- (3) An “electricity distributor”—
- (a) in relation to England and Wales and Scotland means an authorised distributor within the meaning of the Electricity Act 1989 (see section 64(1) of that Act);
 - (b) in relation to Northern Ireland means an electricity distributor within the meaning of the Electricity (Northern Ireland) Order 1992 (see Article 3 of that Order).
- (4) References in this Schedule to an electricity supplier or electricity distributor include an agent of such a supplier or distributor.]

Textual Amendments

F1 Sch. 4 paras. 1-5 ceased to have effect (26.1.2009) by virtue of [Climate Change Act 2008 \(c. 27\)](#), ss. 50(2), 100(5)

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Information from potential participants in a trading scheme

- 3 [F1(1) An environmental authority may, for the purposes of enabling a trading scheme to be established, by notice require a potential participant in the scheme to provide any of the following information—
- (a) information about whether the criteria specified in the notice are met by the potential participant, either alone or together with any other person or persons;
 - (b) information identifying any potential co-participant;
 - (c) contact details for the potential participant and any potential co-participant;
 - (d) information about the meters that measure electricity supplied to or purchased by the potential participant or any potential co-participant;
 - (e) information about the consumption of electricity by the potential participant and any potential co-participant;
 - (f) information about any climate change agreement (within the meaning of Schedule 6 to the Finance Act 2000 (c. 17)) entered into by or on behalf of the potential participant or any potential co-participant.
- (2) A “potential participant”, in relation to a trading scheme, means a person who the environmental authority considers—
- (a) will or may be a participant in the scheme, or
 - (b) will or may fall to be treated together with any other person or persons (a “potential co-participant”) as such a participant.]

Textual Amendments

- F1** Sch. 4 paras. 1-5 ceased to have effect (26.1.2009) by virtue of [Climate Change Act 2008 \(c. 27\)](#), ss. 50(2), 100(5)

Requirements for a valid notice

- 4 [F1(1) A notice under this Schedule must comply with the following requirements.
- (2) The notice must—
 - (a) be in writing,
 - (b) specify the information to be provided,
 - (c) specify the name and address of the person to whom the information is to be provided,
 - (d) specify the date by which the information is to be provided, and
 - (e) explain the consequences of failure to comply with the notice.
 - (3) An environmental authority must not give a notice requiring information from a person unless—
 - (a) the authority has previously sent the person a request in writing for the information, and
 - (b) the person has failed to provide the information within the period of 28 days beginning with the day on which the request was sent.]

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- F1** Sch. 4 paras. 1-5 ceased to have effect (26.1.2009) by virtue of [Climate Change Act 2008 \(c. 27\)](#), [ss. 50\(2\)](#), [100\(5\)](#)

Failure to comply with notice etc an offence

- 5 [F1(1) A person who—
- (a) fails without reasonable excuse to comply with a notice under this Schedule, or
 - (b) provides information in response to such a notice that the person knows or suspects to be false or misleading, commits an offence.
- (2) A person guilty of such an offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale.]

Textual Amendments

- F1** Sch. 4 paras. 1-5 ceased to have effect (26.1.2009) by virtue of [Climate Change Act 2008 \(c. 27\)](#), [ss. 50\(2\)](#), [100\(5\)](#)

Disclosure of information

- 6 (1) This paragraph applies to information obtained by an environmental authority (whether or not pursuant to a notice under this Schedule) from—
- (a) an electricity supplier or electricity distributor, or
 - (b) a potential participant,
- for the purposes of enabling a trading scheme to be established.
- (2) The information may be disclosed for the purposes of or in connection with the establishment, operation or enforcement of a trading scheme—
- (a) by an environmental authority to another environmental authority or the administrator of the scheme, or
 - (b) by the administrator of the scheme to any other administrator of the scheme or an environmental authority.
- (3) This does not affect any other right to disclose information within sub-paragraph (1) apart from this paragraph.

VALID FROM 26/01/2009

SCHEDULE 5

Section 71

WASTE REDUCTION SCHEMES

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VALID FROM 26/01/2009

SCHEDULE 6 Section 77

CHARGES FOR SINGLE USE CARRIER BAGS

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VALID FROM 26/01/2009

SCHEDULE 7 Section 78

RENEWABLE TRANSPORT FUEL OBLIGATIONS

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VALID FROM 26/01/2009

SCHEDULE 8 Section 79

CARBON EMISSIONS REDUCTION TARGETS

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