



Climate Change Act 2008

2008 CHAPTER 27

PART 1

CARBON TARGET AND BUDGETING

Carbon units, carbon accounting and the net UK carbon account

28 Procedure for regulations under section 26 or 27

- (1) The following provisions apply in relation to regulations under section 26 (carbon units and carbon accounting) or section 27 (net UK carbon account).
- (2) The regulations are subject to affirmative resolution procedure if—
 - (a) they are the first regulations to be made under those sections,
 - (b) they specify a carbon unit of a kind not previously specified in regulations made under those sections,
 - (c) they alter the amount by which—
 - (i) a carbon unit that is credited to the net UK carbon account for a period reduces the net UK carbon account for that period, or
 - (ii) a carbon unit that is debited from the net UK carbon account for a period increases the net UK carbon account for that period, or
 - (d) they make modifications of an enactment contained in primary legislation.
- (3) Otherwise the regulations are subject to negative resolution procedure.
- (4) The Secretary of State must consult the other national authorities—
 - (a) in the case of regulations subject to affirmative resolution procedure, before laying before Parliament a draft of a statutory instrument containing the regulations;
 - (b) in the case of regulations subject to negative resolution procedure, before making the regulations.

Changes to legislation: Climate Change Act 2008, Section 28 is up to date with all changes known to be in force on or before 14 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (5) The Secretary of State must obtain, and take into account, the advice of the Committee on Climate Change before laying before Parliament a draft of a statutory instrument containing—
- (a) the first regulations to be made under those sections, or
 - (b) regulations making provision of the kind described in paragraph (b) or (c) of subsection (2).

Changes to legislation:

Climate Change Act 2008, Section 28 is up to date with all changes known to be in force on or before 14 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

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\(5\)](#)