



Climate Change Act 2008

2008 CHAPTER 27

PART 3

TRADING SCHEMES

Authorities and regulations

48 Procedure for making regulations

- (1) Before making regulations under this Part, a national authority must—
 - (a) obtain, and take into account, the advice of the Committee on Climate Change, and
 - (b) consult such persons likely to be affected by the regulations as the authority considers appropriate.
- (2) In particular, before making regulations under this Part that set a limit on the total amount of the activities to which a trading scheme applies for a trading period or periods, a national authority must obtain, and take into account, the advice of the Committee on Climate Change on the amount of that limit.
- (3) Regulations under this Part are subject to affirmative resolution procedure if they contain provision—
 - (a) setting up a trading scheme,
 - (b) extending the class of participants or activities to which a trading scheme applies,
 - (c) extending the duration of a trading scheme,
 - (d) making the overall requirements of a trading scheme significantly more onerous,
 - (e) conferring new powers to enforce the requirements of a trading scheme,
 - (f) imposing or providing for the imposition of new financial or other penalties or increasing the amount of existing financial penalties,
 - (g) creating an offence or increasing the penalties for an existing offence, or

Status: This is the original version (as it was originally enacted).

- (h) amending or repealing a provision of an enactment contained in primary legislation.
- (4) Regulations under this Part are subject to affirmative resolution procedure if they are the first such regulations to contain provision under paragraph 31 of Schedule 2 (appeals).
- (5) Other regulations under this Part are subject to negative resolution procedure.
- (6) The relevant Northern Ireland department may only make regulations under this Part dealing with a reserved matter within the meaning of the Northern Ireland Act 1998 (c. 47) with the consent of the Secretary of State.