



# Climate Change (Scotland) Act 2009

## 2009 asp 12

### PART 2

#### ADVISORY FUNCTIONS

##### *Advisory body*

#### **24 Meaning of advisory body**

- (1) The Scottish Ministers may, by order, designate—
  - (a) a body established under section 25(1); or
  - (b) such other public body as they consider appropriate,to exercise the functions mentioned in subsection (3) (the “advisory functions”).
- (2) In this Act, the body designated by virtue of subsection (1) is the “advisory body”.
- (3) The advisory functions are—
  - (a) the function of providing advice, analysis, information and other assistance to the Scottish Ministers in respect of Ministers' duty under section 2(1) and functions under sections 5, 7, 9 and 10(4);
  - (b) the functions conferred on the advisory body by sections 27 to 32 and 56; and
  - (c) such other functions relating to advice on climate change as the Scottish Ministers may confer by an order under subsection (1).
- (4) An order under subsection (1) may in particular provide—
  - (a) for the conferral of functions on the advisory body relating to advice on climate change;
  - (b) for the information that advice must contain;
  - (c) for the factors to which the body is to have regard in giving that advice;
  - (d) for the period within which the body must give that advice;
  - (e) as to whom that advice is to be given;
  - (f) for the form and manner in which that advice is to be published and laid before the Scottish Parliament.

*Status: Point in time view as at 31/10/2009. This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Climate Change (Scotland) Act 2009, Part 2. (See end of Document for details)*

- (5) In subsection (1)(b) , a “public body” means a person or body with functions of a public nature.

#### Commencement Information

**II** S. 24 in force at 31.10.2009 by S.S.I. 2009/341, art. 2(2)(a)

### Scottish Committee on Climate Change

PROSPECTIVE

#### 25 Scottish Committee on Climate Change

- (1) The Scottish Ministers may, by order, establish a body for the purpose of exercising the advisory functions.
- (2) The body established by virtue of subsection (1) is to be known as the Scottish Committee on Climate Change (the “Committee”).
- (3) Schedule 1 makes further provision about the Committee.
- (4) An order under subsection (1) may in particular provide—
  - (a) for the conferral of functions on the Committee relating to advice on climate change;
  - (b) in relation to the status, constitution and proceedings of the Committee as the Scottish Ministers consider appropriate;
  - (c) for the information that the Committee's advice must contain;
  - (d) for the factors to which the Committee is to have regard in giving that advice;
  - (e) for the period within which the Committee must give that advice;
  - (f) as to whom that advice is to be given;
  - (g) for the form and manner in which that advice is to be published and laid before the Scottish Parliament.

#### 26 Application of sections 27 to 32 and 56

- (1) Sections 27 to 32 and 56 have effect only from—
  - (a) the day when an order made by the Scottish Ministers under section 24(1) comes into force; or
  - (b) such later day or days as the Scottish Ministers may specify in an order under that section.
- (2) When an order under section 24(1)—
  - (a) bringing section 29 into effect comes into force, subsection (3) of section 9 ceases to have effect;
  - (b) bringing section 56 into effect comes into force, subsection (4) of section 55 ceases to have effect.

*Status: Point in time view as at 31/10/2009. This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Climate Change (Scotland) Act 2009, Part 2. (See end of Document for details)*

**Commencement Information**

**I2** S. 26 in force at 31.10.2009 by S.S.I. 2009/341, art. 2(2)(a)

PROSPECTIVE

**No** **Advice on annual targets etc.**  
**commentary**  
**item** .....  
**could**  
**be**  
**found**  
**for**  
**this**  
**reference**  
**key-66c8a1d12ab6aaa87f8bf84a67d9cf0927**

PROSPECTIVE

**No** **Reporting on progress towards targets**  
**commentary**  
**item** .....  
**could**  
**be**  
**found**  
**for**  
**this**  
**reference**  
**key-66c8a1d12ab6aaa87f8bf84a67d9cf0928**

PROSPECTIVE

**No** **Scottish Ministers' response to reports on progress**  
**commentary**  
**item** .....  
**could**  
**be**  
**found**  
**for**  
**this**  
**reference**  
**key-66c8a1d12ab6aaa87f8bf84a67d9cf0929**

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## PROSPECTIVE

**30 Duty of advisory body to provide advice or other assistance**

When requested to do so by the Scottish Ministers, the advisory body must provide advice, analysis, information or assistance as regards—

- (a) the exercise of the Scottish Ministers' functions under this Act;
- (b) the exercise of Ministers' functions in relation to climate change other than under this Act;
- (c) other matters relating to climate change.

## PROSPECTIVE

**31 Guidance to advisory body**

- (1) The advisory body must have regard to any guidance given by the Scottish Ministers to it in relation to the exercise of its functions under this Act.
- (2) The Scottish Ministers may not give the advisory body guidance as to the content of any advice or report.
- (3) The power to give guidance under subsection (1) includes power to vary or revoke the guidance.

## PROSPECTIVE

**32 Power to give directions to advisory body**

- (1) The Scottish Ministers may, if they consider it appropriate to do so, give the advisory body directions as to the exercise of its functions under this Act.
- (2) The Scottish Ministers may not direct the advisory body as to the content of any advice or report.
- (3) The power to give directions under subsection (1) includes power to vary or revoke the directions.
- (4) The advisory body must comply with any directions given under subsection (1).

**Status:**

Point in time view as at 31/10/2009. This version of this part contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Climate Change (Scotland) Act 2009, Part 2.