



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 [F12C, 2D], 9 and 10(4);
 - (b) the functions conferred on the advisory body by sections [F230] 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: 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.

Textual Amendments

- F1** Words in s. 24(3)(a) substituted (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), s. 32(2), [sch. para. 6\(a\)](#); S.S.I. 2020/66, reg. 2
- F2** Word in s. 24(3)(b) substituted (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), s. 32(2), [sch. para. 6\(b\)](#); S.S.I. 2020/66, reg. 2

Commencement Information

- I1** 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—
- for the conferral of functions on the Committee relating to advice on climate change;
 - in relation to the status, constitution and proceedings of the Committee as the Scottish Ministers consider appropriate;
 - for the information that the Committee's advice must contain;
 - for the factors to which the Committee is to have regard in giving that advice;
 - for the period within which the Committee must give that advice;
 - as to whom that advice is to be given;
 - for the form and manner in which that advice is to be published and laid before the Scottish Parliament.

26 [^{F3}Application of sections 30 to 32 and 56]

- (1) Sections [^{F4}30] to 32 and 56 have effect only from—
- the day when an order made by the Scottish Ministers under section 24(1) comes into force; or
 - 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)—
- ^{F5}(a)

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- (b) bringing section 56 into effect comes into force, subsection (4) of section 55 ceases to have effect.

Textual Amendments

- F3** S. 26 title substituted (23.3.2020) by Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (asp 15), s. 32(2), **sch. para. 8**; S.S.I. 2020/66, reg. 2
- F4** Word in s. 26(1) substituted (23.3.2020) by Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (asp 15), s. 32(2), **sch. para. 7(a)**; S.S.I. 2020/66, reg. 2
- F5** S. 26(2)(a) repealed (23.3.2020) by Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (asp 15), s. 32(2), **sch. para. 7(b)**; S.S.I. 2020/66, reg. 2

Commencement Information

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

PROSPECTIVE

F627 Advice on annual targets etc.

Textual Amendments

- F6** Ss. 27-29 repealed (23.3.2020) by Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (asp 15), s. 32(2), **sch. para. 9**; S.S.I. 2020/66, reg. 2

PROSPECTIVE

F628 Reporting on progress towards targets

Textual Amendments

- F6** Ss. 27-29 repealed (23.3.2020) by Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (asp 15), s. 32(2), **sch. para. 9**; S.S.I. 2020/66, reg. 2

PROSPECTIVE

F629 Scottish Ministers' response to reports on progress

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Textual Amendments

F6 Ss. 27-29 repealed (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019](#) (asp 15), s. 32(2), [sch. para. 9](#); S.S.I. 2020/66, reg. 2

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:

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.