



# Climate Change (Scotland) Act 2009

## 2009 asp 12

### PART 4

#### DUTIES OF PUBLIC BODIES RELATING TO CLIMATE CHANGE

##### *Investigations*

#### 48 Investigations

- (1) The monitoring body may carry out an investigation into—
  - (a) a relevant public body's compliance with climate change duties;
  - (b) whether a relevant public body is having regard to guidance given under section 45.
- (2) The monitoring body must carry out an investigation if the Scottish Ministers direct it to do so.

#### Commencement Information

**II** S. 48 in force at 1.1.2011 by [S.S.I. 2009/341](#), [art. 2\(4\)](#)

#### 49 Investigations: investigators' powers

- (1) In this section an “investigator” means—
  - (a) the monitoring body;
  - (b) a person authorised by the monitoring body for the purpose of carrying out investigations.
- (2) An investigator may use the powers set out in subsections (3) to (5) if the investigator considers that it is necessary to do so for the purposes of or in connection with an investigation.
- (3) An investigator may, by notice in writing, require any relevant public body to provide any relevant document or relevant information in the possession, or under the control, of the relevant public body.

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

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- (4) An investigator may require any person who possesses or controls any document or information referred to in subsection (3) to provide an explanation of the document or information.
- (5) An investigator may take copies of, or extracts from, any document or information produced in accordance with subsection (3).
- (6) Nothing in this section authorises an investigator to require the disclosure of anything which a person would be entitled to refuse to disclose on grounds of confidentiality in proceedings in the Court of Session.

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**Commencement Information**

**I2** S. 49 in force at 1.1.2011 by [S.S.I. 2009/341](#), [art. 2\(4\)](#)

## **50 Reporting by monitoring body**

- (1) The Scottish Ministers may direct the monitoring body to prepare a report relating to—
  - (a) the monitoring body's activities under this Part;
  - (b) investigations carried out by the monitoring body;
  - (c) its use of resources in carrying out its functions under this Part;
  - (d) any other matters the Scottish Ministers may direct.
- (2) The report may include information relating to a continuing investigation only if the Scottish Ministers direct that information to be included.
- (3) The monitoring body must send the report to the Scottish Ministers.
- (4) The Scottish Ministers must lay the report before the Scottish Parliament.

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**Commencement Information**

**I3** S. 50 in force at 1.1.2011 by [S.S.I. 2009/341](#), [art. 2\(4\)](#)

## **51 Guidance to monitoring body**

- (1) The monitoring body must have regard to any guidance given by the Scottish Ministers to it in relation to the exercise of its functions under this Part.
- (2) Before giving guidance under subsection (1), the Scottish Ministers must consult, in so far as reasonably practicable, the persons mentioned in subsection (3).
- (3) Those persons are—
  - (a) the monitoring body; and
  - (b) such other persons,
 as the Scottish Ministers consider appropriate.
- (4) The Scottish Ministers may vary or revoke guidance given under this section and where guidance is varied to a substantial extent, subsections (2) and (3) apply.
- (5) The Scottish Ministers must publish any guidance given under this section.

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

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**Commencement Information**

**I4** S. 51 in force at 1.1.2011 by [S.S.I. 2009/341](#), **art. 2(4)**

**52 Power to direct monitoring body**

- (1) The Scottish Ministers may give directions to the monitoring body relating to the exercise of its functions under this Part.
- (2) The Scottish Ministers may vary or revoke a direction given under this section.
- (3) The monitoring body must comply with a direction given under this section.

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**Commencement Information**

**I5** S. 52 in force at 1.1.2011 by [S.S.I. 2009/341](#), **art. 2(4)**

**Changes to legislation:**

There are currently no known outstanding effects for the Climate Change (Scotland) Act 2009,  
Cross Heading: Investigations.