



2022 CHAPTER 31

PART 6

Supplementary

Duties in relation to emissions

Duties to ensure that targets etc are met

52.—(1) The duties mentioned in sections 1, 3 to 5 and 24 on the Northern Ireland departments (namely, to ensure that the net Northern Ireland emissions account is below a certain amount and that the net Northern Ireland emissions account for carbon dioxide for 2050 is below a certain amount) are duties on each of them—

- (a) to exercise its own functions, so far as is possible to do so, in a manner that is consistent with the achievement of that objective,
- (b) so far as is consistent with the proper exercise of its own functions, to co-operate with each of the other departments in the performance by the other department of the other department's duty under paragraph (a), and
- (c) to draw up and implement such plans, policies and strategies as may be appropriate for the purpose of performing its duties under paragraphs (a) and (b).

(2) The Northern Ireland departments should, as far as reasonably practicable, align such plans, policies and strategies to those of the Republic of Ireland.

(3) Subsection (1) is in addition to (and does not limit) the duties under other sections of this Act.

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Regulation-making powers: general

Regulations: general

53.—(1) Regulations under this Act may make such consequential or supplementary provision as the Department considers appropriate.

(2) The provision that may be made under subsection (1) includes, in particular, provision that—

- (a) amends this Act, or
- (b) amends the carbon budget for any budgetary period before the start of the period (but not otherwise).

(3) Regulations may not be made under any provision of this Act unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly; but this is subject to subsection (4).

(4) Regulations under section 9(4) or 42(1) are subject to negative resolution, unless they contain consequential or supplementary provision of the kind mentioned in subsection (2).

(5) See sections 54 and 55 for restrictions on the power to make provision mentioned in subsection (2).

Regulation-making powers: restrictions and considerations

Regulations that amend or add an emissions target or amend a carbon budget

54.—(1) This section applies in relation to the making of regulations, under any provision of this Act, that—

- (a) amend an emissions target or add a new target in relation to emissions, or
- (b) amend a carbon budget.

(2) The Department may make such regulations only if—

- (a) it is satisfied that it is appropriate to do so as a result of significant developments in one or more of the following matters—
 - (i) United Kingdom or international law or policy relating to climate change;
 - (ii) scientific knowledge about climate change;
 - (iii) technology relevant to climate change; or
- (b) the provision made by the regulations—
 - (i) has been recommended by the Committee on Climate Change, or
 - (ii) is not substantially different from provision that has been recommended by the Committee.

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(3) When making such regulations, the Department must have regard to the following matters—

- (a) United Kingdom and international law or policy relating to climate change,
- (b) scientific knowledge about climate change,
- (c) technology relevant to climate change, and
- (d) the views of the Northern Ireland Climate Commissioner and the Just Transition Commission.

(4) But if the Department is satisfied that it is appropriate to make the regulations as a result of significant developments in a matter listed in subsection (2)(a) the Department is not also required by subsection (3) to have separate regard to that matter.

Regulations that specify a different baseline year or change a budgetary period

55.—(1) This section applies in relation to the making of regulations, under any provision of this Act, that—

- (a) specify a different baseline year for a greenhouse gas, or
- (b) change a budgetary period.

(2) The Department may make such regulations only if it is satisfied that it is appropriate to do so as a result of significant developments in United Kingdom or international law or policy relating to climate change.

Regulation-making powers: advice

Requirement to obtain advice about proposals to make regulations

56.—(1) This section applies in relation to the making of regulations under any provision of this Act, except regulations that are made in accordance with section 54(2)(b) (recommendation by the Committee on Climate Change).

(2) Before making regulations under section 9(4) or 42(1), or laying draft regulations before the Assembly under section 53(3), the Department must—

- (a) request advice from the Committee on Climate Change about the proposal to make the regulations, and
- (b) take the Committee's advice into account.

(3) When the Department requests advice from the Committee on Climate Change under this section, it must specify a reasonable period within which the advice must be provided.

- (4) The Committee must provide the advice within that period.
- (5) The Committee's advice must set out the reasons for the advice.

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(6) The Department must publish the Committee's advice as soon as reasonably practicable after receiving it.

(7) Subsections (8) and (9) apply where—

- (a) the Committee's advice includes recommendations as to provision that should be made by regulations, and
- (b) the Department intends to make regulations that differ from that recommendation.

(8) If the regulations are to be laid in draft before the Assembly, the Department must at the same time lay before the Assembly a statement setting out the reasons for the difference.

(9) Otherwise, the Department must, on making the regulations, publish a statement setting out the reasons for the difference.

Advice about proposed regulations relating to targets

57.—(1) Subsections (2) and (3) apply where—

- (a) the Department proposes to make regulations, under any provision of this Act, that—
 - (i) specify a different year for a particular emissions target, or
 - (ii) specify a different percentage for a particular year, and
- (b) the Committee on Climate Change provides advice under section 56.

(2) Where the Department proposes to make regulations that specify a different year for a particular target, the Committee's advice must include the Committee's opinion as to—

- (a) whether the year proposed is the earliest year for which the target could be achieved, and
- (b) if not, what is the earliest year for which the target could be achieved.

(3) Where the Department proposes to make regulations that specify a different percentage for a particular year, the Committee's advice must include the Committee's opinion as to—

- (a) whether the percentage proposed is the highest percentage achievable for the year, and
- (b) if not, what is the highest percentage achievable for the year.

(4) When giving advice in accordance with this section, the Committee must have regard to the following matters—

- (a) United Kingdom and international law or policy relating to climate change,
- (b) scientific knowledge about climate change, and
- (c) technology relevant to climate change.

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Advice about proposed regulations relating to budgets

- 58.**—(1) This section applies where—
- (a) the Department proposes to make regulations, under any provision of this Act, that set or change a carbon budget for a budgetary period, and
 - (b) the Committee on Climate Change provides advice under section 56.
- (2) The Committee’s advice must include the Committee’s opinion as to—
- (a) the appropriate level of the carbon budget for the period;
 - (b) the extent to which the carbon budget for the period should be met—
 - (i) by reducing the amount of net Northern Ireland emissions of greenhouse gases, or
 - (ii) by the use of carbon units that, in accordance with regulations made under section 11, may be credited to the net Northern Ireland emissions account for the period;
 - (c) the respective contributions towards meeting the carbon budget for the period that should be made—
 - (i) by the sectors of the Northern Ireland economy covered by trading schemes (taken as a whole);
 - (ii) by the sectors of the Northern Ireland economy not so covered (taken as a whole);
 - (d) the sectors of the Northern Ireland economy in which there are particular opportunities for contributions to be made towards meeting the carbon budget for the period through reductions in emissions of greenhouse gases.
- (3) When giving advice in accordance with this section, the Committee must have regard to the following matters—
- (a) United Kingdom and international law or policy relating to climate change,
 - (b) scientific knowledge about climate change, and
 - (c) technology relevant to climate change.
- (4) In subsection (2)(c), “trading schemes” has the meaning given by section 44 of the Climate Change Act 2008.

Definitions

Meaning of “carbon unit”

- 59.** In this Act, a “carbon unit” is a unit of a kind specified in regulations made by the Department and representing—
- (a) a reduction in an amount of greenhouse gas emissions,
 - (b) the removal of an amount of greenhouse gas from the atmosphere, or

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- (c) an amount of greenhouse gas emissions allowed under a scheme or arrangement imposing a limit on such emissions.

Meaning of “greenhouse gas”

60.—(1) In this Act, “greenhouse gas” means any of the following—

- (a) carbon dioxide;
- (b) methane;
- (c) nitrous oxide;
- (d) hydrofluorocarbons;
- (e) perfluorocarbons;
- (f) sulphur hexafluoride;
- (g) nitrogen trifluoride.

(2) The Department may by regulations amend the list of greenhouse gases in subsection (1) so as to add a gas.

Meaning and measurement of emissions

61.—(1) In this Act, “emissions”, in relation to a greenhouse gas, means emissions of that gas into the atmosphere that are attributable to human activity.

(2) Each of the following must be measured or calculated in tonnes of carbon dioxide equivalent—

- (a) emissions of greenhouse gases;
- (b) reductions in greenhouse gas emissions;
- (c) removals of greenhouse gases from the atmosphere.

(3) A “tonne of carbon dioxide equivalent” means one metric tonne of carbon dioxide or an amount of any other greenhouse gas with an equivalent global warming potential, calculated consistently with international carbon reporting practice (see section 63).

Meaning of “sector”

62. In this Act “sector” or “sectors” refers to one or all of the following—

- (a) energy production and supply (including for residential, public and district heating and cooling purposes);
- (b) transport (including shipping and aviation);
- (c) infrastructure (including infrastructure for electric vehicular transport);
- (d) business and industrial processes;
- (e) residential and public (in relation to buildings in these sectors);
- (f) waste management;

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- (g) land use and land-use change, including forestry;
- (h) agriculture; and
- (i) the provision of financial assistance to any person in connection with—
 - (i) the promotion of economic development in Northern Ireland or any part of Northern Ireland; and
 - (ii) the provision of infrastructure, goods or services in Northern Ireland or any part of Northern Ireland.

Other definitions

63. In this Act—

“the Committee on Climate Change” means the Committee of that name established by Part 2 of the Climate Change Act 2008;

“the Department” means the Department of Agriculture, Environment and Rural Affairs;

“emissions target” means a target set by section 1, 3 or 4;

“international carbon reporting practice” means accepted practice in relation to reporting for the purposes of—

- (a) the protocols to the United Nations Framework Convention on Climate Change, or
- (b) such other international agreements or arrangements as the Department may specify by regulations;

“Northern Ireland emissions” has the meaning given by section 9(2);

“Northern Ireland removals” has the meaning given by section 9(3).

General

Commencement

64. This Act comes into operation on the day after the day on which it receives Royal Assent.

Short title

65. This Act may be cited as the Climate Change Act (Northern Ireland) 2022.