Climate Change Act 2008

CHAPTER 27

CLIMATE CHANGE ACT 2008

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1. The target for 2050
2. Amendment of 2050 target or baseline year
3. Consultation on order amending 2050 target or baseline year

Carbon budgeting
4. Carbon budgets
5. Level of carbon budgets
6. Amendment of target percentages
7. Consultation on order setting or amending target percentages
8. Setting of carbon budgets for budgetary periods
9. Consultation on carbon budgets
10. Matters to be taken into account in connection with carbon budgets

Limit on use of carbon units
11. Limit on use of carbon units

Indicative annual ranges
12. Duty to provide indicative annual ranges for net UK carbon account

Proposals and policies for meeting carbon budgets
13. Duty to prepare proposals and policies for meeting carbon budgets
Duty to report on proposals and policies for meeting carbon budgets
Duty to have regard to need for UK domestic action on climate change

**Determination whether objectives met**

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Final statement for budgetary period
Duty to report on proposals and policies for compensating for budget excess
Final statement for 2050

**Alteration of budgets or budgetary periods**

Alteration of carbon budgets
Consultation on alteration of carbon budgets
Alteration of budgetary periods

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Targeted greenhouse gases
Base years for targeted greenhouse gases other than CO₂

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Procedure for regulations under section 30

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SCHEDULES

SCHEDULE 1 — The Committee on Climate Change

Membership

1 (1) The Committee shall consist of— (a) a person appointed...
2 The national authorities may, after consulting the chair, appoint one...

Term of office

3 A member holds and vacates office in accordance with the...
4 A member may resign by giving written notice to the...
5 The national authorities may remove a member—
6 A person ceases to be the chair or the deputy...
7 A person who— (a) ceases to be a member, or...

Remuneration and pensions etc

8 The Committee may pay to the members such remuneration and...
9 The Committee must, if required to do so by the...
10 If the national authorities consider there are special circumstances which...

Staff

11 (1) The Committee must appoint a person to be chief...
12 The Committee may appoint other employees.
13 The Committee must, if required to do so by the...
14 (1) In Schedule 1 to the Superannuation Act 1972 (c....

Sub-committees

15 (1) The Committee may establish sub-committees. (2) A sub-committee...

The Adaptation Sub-Committee

16 (1) There shall be a sub-committee of the Committee, to...
Proceedings

17 The Committee may regulate— (a) its own procedure (including quorum),...
18 The validity of anything done by the Committee or any...
19 The Committee must publish the minutes of its meetings in...

Discharge of functions

20 The Committee may authorise a sub-committee, member or employee to...

Application of seal and proof of documents

21 (1) The application of the Committee's seal must be authenticated...

Reports and accounts

22 (1) For each financial year the Committee must—
23 In this Schedule “financial year” means— (a) the period beginning...
24 (1) The Committee must keep proper accounts and proper records...

Information

25 (1) The Committee must provide the national authorities with such...

Publication of advice etc

26 A requirement under this Act for the Committee to publish...

Status

27 (1) The Committee is not to be regarded as the...

Public Records Act 1958 (c. 51)

28 In Schedule 1 to the Public Records Act 1958 (definition...

Parliamentary Commissioner Act 1967 (c. 13)

29 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments...

House of Commons Disqualification Act 1975 (c. 24)

30 In Part 2 of Schedule 1 to the House of...

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

31 In Part 2 of Schedule 1 to the Northern Ireland...

Race Relations Act 1976 (c. 74)

32 In Part 2 of Schedule 1A to the Race Relations...

Freedom of Information Act 2000 (c. 36)

33 In Part 6 of Schedule 1 to the Freedom of...
Scottish Public Services Ombudsman Act 2002 (asp 11)

34 (1) The Scottish Public Services Ombudsman Act 2002 is amended...

Public Services Ombudsman (Wales) Act 2005 (c. 10)

35 In Schedule 3 to the Public Services Ombudsman (Wales) Act...

SCHEDULE 2 — Trading schemes
Part 1 — SCHEMES LIMITING ACTIVITIES

Introductory
1 This Part of this Schedule deals with trading schemes that...

Trading periods
2 The regulations must specify the period or periods by reference...

Activities
3 (1) The regulations must identify the activities to which the...

Participants
4 (1) The regulations must identify the persons to whom the...

Allocation of allowances
5 (1) The regulations may provide for the allocation among the...

Use of allowances
6 (1) The regulations may require each participant to have or...

Credits
7 (1) The regulations may enable participants to offset the carrying...

Payments
8 (1) The regulations may provide that a participant who does...

Trading
9 (1) The regulations must provide for the participants in a...

Permits
10 (1) The regulations may provide that participants may only carry...

Units under other schemes
11 (1) The regulations may make provision for recognising any of...

Part 2 — SCHEMES ENCOURAGING ACTIVITIES

Introductory
12 This Part of this Schedule deals with trading schemes that...
Trading periods
13 The regulations must specify the period or periods by reference...

Activities
14 (1) The regulations must identify the activities to which the...

Participants
15 (1) The regulations must identify the persons to whom the...

Targets and obligations
16 The regulations must, for each trading period—

Certificates
17 (1) The regulations must provide for the issue of certificates...

Payments
18 (1) The regulations may provide that a participant who does...

Trading
19 (1) The regulations must provide for the participants in a...

Units under other schemes
20 (1) The regulations may make provision for recognising any of...

Part 3 — ADMINISTRATION AND ENFORCEMENT

The administrator
21 (1) The regulations may appoint a person as the administrator...

Information
22 (1) The regulations may require such information as may be...

Registers
23 (1) The regulations may provide for the creation and maintenance...

Publication of information
24 The regulations may confer or impose functions on the administrator...

Acquisition of units by the administrator
25 The regulations may confer powers on the administrator of a...

Charges
26 (1) The regulations may— (a) require the payment by participants...
Monitoring compliance

27  (1) The regulations may make provision for monitoring compliance with...

Enforcement

28  (1) The regulations may confer powers on a person to...

Penalties

29  (1) The regulations may provide that a person is liable...

Offences

30  (1) The regulations may create offences relating to trading schemes...

Appeals

31  (1) The regulations may confer rights of appeal against—

SCHEDULE 3 — Trading schemes regulations: further provisions

Part 1 — REGULATIONS MADE BY A SINGLE NATIONAL AUTHORITY

1  This Part of this Schedule applies in relation to an...

2  (1) Where the instrument contains regulations that—

3  (1) An instrument containing regulations made by the Secretary of...

4  Any provision that may be made by regulations subject to...

Part 2 — REGULATIONS MADE BY TWO OR MORE NATIONAL AUTHORITIES

5  This Part of this Schedule applies in relation to an...

6  If any of the regulations are subject to affirmative resolution...

7  Paragraphs 2 and 3 (affirmative and negative resolution procedure) apply...

8  (1) If in accordance with paragraph 3 (negative resolution procedure)...

Part 3 — POWER TO MAKE PROVISION BY ORDER IN COUNCIL

9  (1) Her Majesty may by Order in Council make provision...

10  No recommendation is to be made to Her Majesty in...

11  (1) This paragraph applies to an Order in Council under...

12  (1) This paragraph applies to an Order in Council under...

13  (1) If in accordance with paragraph 12—

SCHEDULE 4 — Trading schemes: powers to require information

Introductory

1  (1) The powers conferred by this Schedule are exercisable by...

Information from electricity suppliers and distributors

2  (1) An environmental authority may, for the purposes of enabling...

Information from potential participants in a trading scheme

3  (1) An environmental authority may, for the purposes of enabling...
Requirements for a valid notice

4 (1) A notice under this Schedule must comply with the...

Failure to comply with notice etc an offence

5 (1) A person who— (a) fails without reasonable excuse to...

Disclosure of information

6 (1) This paragraph applies to information obtained by an environmental...

SCHEDULE 5 — Waste reduction schemes
   Part 1 — MAIN PROVISIONS
   1 After section 60 of the Environmental Protection Act 1990 (c....
   2 After Schedule 2A to that Act insert— SCHEDULE 2AA Waste...
      Part 2 — CONSEQUENTIAL AMENDMENTS
   3 (1) Section 46 of the Environmental Protection Act 1990 (c....
   4 (1) Section 161 of that Act (regulations, orders and directions)...

SCHEDULE 6 — Charges for carrier bags
   Part 1 — POWERS TO MAKE REGULATIONS ABOUT CHARGES

   General power

   1 The relevant national authority may make provision by regulations about...

   Requirement to charge

   2 The regulations may make provision requiring sellers of goods to...
   2A The regulations may make provision for treating carrier bags as...
   4A Destination of proceeds – Wales
   4A (1) This paragraph applies to regulations made by the Department...
   4B Interpretation of paragraph 4A

   Sellers of goods

   3 (1) “Seller”, in relation to goods, has the meaning given...

   Amount of charge

   4 The regulations may specify the minimum amount that a seller...

   Carrier bags

   5 (1) “Single use carrier bagCarrier bag” has the meaning given...

   Administration

   6 (1) The regulations may appoint a person (an “administrator”) to...

   Record-keeping and publication of records

   7 (1) The regulations may require records to be kept relating...
Enforcement

8  (1) The regulations may confer or impose powers or duties...

Part 2 — CIVIL SANCTIONS

Civil sanctions

9  (1) The relevant national authority may make provision by regulations...

Fixed monetary penalties

10 (1) The regulations may make provision conferring on an administrator...

Fixed monetary penalties: procedure

11 (1) Provision under paragraph 10 must secure that—

Discretionary requirements

12 (1) The regulations may make provision conferring on an administrator...

Discretionary requirements: procedure

13 (1) Provision under paragraph 12 must secure that—

Discretionary requirements: enforcement

14 (1) Provision under paragraph 12 may include provision for a...

Combination of sanctions

15 (1) Provision may not be made under paragraphs 10 and...

Monetary penalties

16 (1) If the regulations confer power on an administrator to...

Costs recovery

17 (1) Provision under paragraph 12 may include provision for an...

Appeals

18 (1) The regulations may not provide for the making of...

Publicity for imposition of civil sanctions

19 (1) The regulations may make provision enabling an administrator to...

Persons liable to civil sanctions

20 The regulations may make provision about the persons liable to...

Guidance as to use of civil sanctions

21 (1) Where power is conferred on an administrator by the...
Publication of enforcement action

22 (1) Where power is conferred on an administrator by the...

Compliance with regulatory principles

23 A relevant national authority may not make any provision conferring...

Review

24 (1) A relevant national authority must in accordance with this...

Suspension

25 (1) Where provision has been made by a relevant national...

Payment of penalties into Consolidated Fund

26 (1) Where pursuant to any provision made under this Schedule...

Part 3 — PROCEDURES APPLYING TO REGULATIONS

Regulations made by a single authority

27 (1) This paragraph applies in relation to an instrument containing...

Regulations made by two or more national authorities

28 (1) This paragraph applies in relation to an instrument containing...

Hybrid instruments

29 If a draft of an instrument containing regulations under this...

SCHEDULE 7 — Renewable transport fuel obligations

Introductory

1 Chapter 5 of Part 2 of the Energy Act 2004...

The Administrator

2 For section 125 (the Administrator) substitute— Appointment of the Administrator...

Determination of amounts of transport fuel

3 In section 126 (determination of amounts of transport fuel), after...

Discharge of obligation by payment

4 In section 128 (discharge of obligation by payment), for subsections...

Civil penalties

5 In section 129 (imposition of civil penalties), for subsection (7)...

Disclosure of information

6 After section 131 insert— Disclosure of information held by Revenue...
Interpretation

7 (1) Section 132(1) (interpretation of Chapter 5 of Part 2)...

SCHEDULE 8 — Carbon emissions reduction targets

Gas Act 1986 (c. 44)

1 (1) Section 33BC of the Gas Act 1986 (promotion of...)

Electricity Act 1989 (c. 29)

2 In section 6(9) of the Electricity Act 1989 (definition of...)
3 (1) Section 41A of that Act (promotion of reductions in...)
4 (1) Section 42AA of that Act (publication of statistical information...)
5 In section 64(1) of that Act (interpretation etc of Part...)

Utilities Act 2000 (c. 27)

6 (1) Section 103 of the Utilities Act 2000 (overall carbon...
Changes to legislation:
Climate Change Act 2008 is up to date with all changes known to be in force on or before 16 November 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to:

- s. 86 heading words inserted by 2016 c. 22 s. 211(7)
- s. 77(3)(b) omitted by 2016 anaw 3 Sch. 2 para. 12(2)(a)
- s. 77(4)(aa) omitted by 2016 anaw 3 Sch. 2 para. 12(2)(b)
- s. 86(2)(a) words inserted by 2016 c. 22 s. 211(3)(a)
- s. 86(2)(b) words inserted by 2016 c. 22 s. 211(3)(b)
- s. 86(3) words inserted by 2016 c. 22 s. 211(4)(a)
- s. 86(3) words inserted by 2016 c. 22 s. 211(4)(b)
- s. 86(8) words substituted by 2016 c. 22 s. 211(6)
- s. 98 words omitted by 2016 anaw 3 Sch. 2 para. 12(3)
- Sch. 6 para. 4A4B omitted by 2016 anaw 3 Sch. 2 para. 12(4)(a)
- Sch. 6 para. 7(3A) omitted by 2016 anaw 3 Sch. 2 para. 12(4)(b)
- Sch. 6 para. 8(2A) omitted by 2016 anaw 3 Sch. 2 para. 12(4)(c)
- Sch. 6 para. 24(6)(b) omitted by 2016 anaw 3 Sch. 2 para. 12(4)(d)
- Sch. 6 para. 25(5)(b) omitted by 2016 anaw 3 Sch. 2 para. 12(4)(e)
- Sch. 6 para. 26(2)(a) omitted by 2016 anaw 3 Sch. 2 para. 12(4)(f)
- Sch. 6 para. 27(5) omitted by 2016 anaw 3 Sch. 2 para. 12(4)(g)
- Sch. 6 para. 28(1)(b) omitted by 2016 anaw 3 Sch. 2 para. 12(4)(ii)
- Sch. 6 para. 28(1) words omitted by 2016 anaw 3 Sch. 2 para. 12(4)(i)
- Sch. 6 para. 28 cross-heading words substituted by 2016 anaw 3 Sch. 2 para. 12(4)(h)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
 Whole provisions yet to be inserted into this Act (including any effects on those provisions):
- s. 86(1)(a) words renumbered as s. 86(1)(a) by 2016 c. 22 s. 211(2)(a)
- s. 86(1)(b) and word inserted by 2016 c. 22 s. 211(2)(b)
- s. 86(7A)(7B) inserted by 2016 c. 22 s. 211(5)