

CLIMATE CHANGE ACT 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4: Impact of and adaptation to climate change

Reporting authorities: non-devolved functions

Section 63: Compliance with Secretary of State's directions

272. This section requires any reporting authority issued with directions under section 62 to comply with them and sets out other details of how they must prepare their reports.
273. *Subsection (1)* sets out the basic duty on reporting authorities to comply with directions. *Subsection (2)* provides that where two or more reporting authorities have been directed to prepare a joint report, then they must take reasonable steps to cooperate with one another in preparing it.
274. *Subsection (3)* lists a number of reports and programmes that all reporting authorities must have regard to when preparing their own reports following a direction from the Secretary of State:
- the Secretary of State's most recent report on the current and predicted risks of climate change under section 56;
 - the Secretary of State's most recent adaptation programme under section 58; and
 - any guidance issued by the Secretary of State under section 61.

But reporting authorities need have regard to those reports and programmes only so far as they are relevant.

275. *Subsection (4)* applies where the Secretary of State directs a reporting authority which has functions exercisable in or as regards Wales or which has "devolved Welsh functions" (as defined in subsections (6) and (7) of section 70). In those circumstances, the authority must also have regard, so far as is relevant, to:
- any guidance issued by the Welsh Ministers under section 66;
 - the Welsh Ministers' most recent report on climate change under section 80.
276. *Subsection (5)* requires a reporting authority to send a copy of its report to the Secretary of State. *Subsection (6)* requires the Secretary of State to publish the report in such manner as he considers appropriate, but subject to the exceptions in subsection (7). Under *subsection (7)*, the Secretary of State is not required to publish anything that he could refuse to disclose under the [Freedom of Information Act 2000 \(c.36\)](#) or under the [Environmental Information Regulations 2004 \(S.I. 2004/3391\)](#) or which he is prohibited from disclosing by any enactment.

*These notes refer to the Climate Change Act 2008 (c.27)
which received Royal Assent on 26th November 2008*

277. *Subsection (8)* requires reporting authorities to have regard to their own reports in the exercise of all of their functions other than their “devolved functions” (see section 70 for the definition).