

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

CLIMATE CHANGE ACT 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6: General supplementary provisions

Interpretation

Section 92: Meaning of “greenhouse gas”

485. This section defines the term “greenhouse gas” to include:
- carbon dioxide (CO₂);
 - methane (CH₄);
 - nitrous oxide (N₂O);
 - hydrofluorocarbons (HFCs);
 - perfluorocarbons (PFCs);
 - sulphur hexafluoride (SF₆).
486. The definition of greenhouse gases follows that used in the Kyoto Protocol. Note that the term “targeted greenhouse gas”, used in relation to the targets and budgets in Part 1 of the Act, is defined separately in section 24; for the time being, the lists of gases are identical.
487. *Subsections (2) to (4)* give the Secretary of State a power to amend the definition of “greenhouse gas” by negative resolution order. But the power can only be exercised if the Secretary of State considers that an international agreement has been reached which recognises that the gas contributes to climate change.

Section 93: Measurement of emissions etc by reference to carbon dioxide equivalent

488. This section provides that emissions of greenhouse gases are to be measured or calculated in “tonnes of carbon dioxide equivalent” (defined in *subsection (2)*); this is to allow for the differing relative forcing effects and atmospheric lifetimes of differing greenhouse gases – for example, over 100 years, a tonne of methane has 23 times the global warming effect of carbon dioxide. These factors are known as “global warming potentials”, and are to be calculated consistently with international carbon reporting practice (defined in section 94).

Section 94: Meaning of “international carbon reporting practice”

489. This section defines the term “international carbon reporting practice” as accepted practice under the United Nations Framework Convention on Climate Change (UNFCCC) or other international agreements which the Secretary of State may specify using a negative resolution statutory instrument. For example, a post-2012 agreement

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may be specified for the purposes of this section. An order may supplement or replace the requirement to follow UNFCCC practices.

Section 95: Meaning of “national authority”

490. This section defines the term “national authority” to mean the Secretary of State, the Scottish Ministers, the Welsh Ministers and the relevant Northern Ireland department (see section 96). *Subsection (2)* provides that functions conferred on “the national authorities” are to be exercised jointly: they must agree on the way the function should be exercised and act together.

Section 96: Meaning of “relevant Northern Ireland department”

491. This section defines the term “relevant Northern Ireland department”. Different Northern Ireland departments deal with different administrative matters in Northern Ireland; this section provides that any given function is to be performed by the department which is responsible for the relevant matter. Where two or more departments are responsible, then the term refers to both of them (*subsection (2)*). *Subsection (3)* explains the process for answering a question as to which department is responsible for a matter.

Section 97: Minor definitions

492. This section defines the other terms used in the Act. In particular, this section defines “emissions” as meaning emissions of a given greenhouse gas into the atmosphere that are attributable to human activity; non-anthropogenic emissions are excluded.

Section 98: Index of defined expressions

493. This section contains an index of the expressions which are defined in the Act and refers the reader to where the definition can be found.