



Climate Change Act 2008

2008 CHAPTER 27

PART 4

IMPACT OF AND ADAPTATION TO CLIMATE CHANGE

Interpretation

70 Interpretation

- (1) In sections 61 to 69 and this section “reporting authority” means—
- (a) a person or body with functions of a public nature,
 - (b) a person who is or is deemed to be a statutory undertaker for the purposes of any provision of—
 - (i) Part 11 of the Town and Country Planning Act 1990 (c. 8) (see section 262 of that Act), or
 - (ii) Part 10 of the Town and Country Planning (Scotland) Act 1997 (c. 8) (see section 214 of that Act), or
 - (c) a person who is a statutory undertaker within the meaning of the Planning (Northern Ireland) Order 1991 (S.I. 1991/1220 (N.I. 11)) (see Article 2(1) of that Order).
- (2) None of the following are reporting authorities for the purposes of those sections and this section—
- (a) a Minister of the Crown;
 - (b) either House of Parliament;
 - (c) a devolved authority;
 - (d) a devolved legislature.
- (3) In those sections and this section “devolved authority” means—
- (a) the Welsh Ministers, the First Minister or the Counsel General,
 - (b) the Scottish Ministers, the First Minister, the Lord Advocate or the Solicitor General for Scotland, or

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- (c) a Minister within the meaning of the Northern Ireland Act 1998 (c. 47) or a Northern Ireland department.
- (4) References in those sections to a reporting authority’s “devolved functions” are to functions—
- (a) conferred or imposed by or under a Measure or Act of the National Assembly for Wales,
 - (b) exercisable in or as regards Wales and relating to matters within the legislative competence of the National Assembly for Wales,
 - (c) exercisable in or as regards Scotland and relating to matters within the legislative competence of the Scottish Parliament,
 - (d) exercisable in or as regards Northern Ireland and relating to transferred matters within the meaning of the Northern Ireland Act 1998, or
 - (e) in relation to which functions are exercisable by a devolved authority,
- and in relation to which no functions are exercisable by a Minister of the Crown.
- (5) For this purpose functions are not to be regarded as exercisable by a Minister of the Crown in relation to a reporting authority’s functions merely because—
- (a) the Minister of the Crown may exercise functions—
 - (i) under section 2(2) of the European Communities Act 1972 (c. 68),
 - (ii) by virtue of section 57(1) or under section 58 of the Scotland Act 1998 (c. 46) (Community and international obligations),
 - (iii) under section 27 or 28 of the Northern Ireland Act 1998 (international etc obligations),
 - (iv) by virtue of paragraph 5 of Schedule 3 to the Government of Wales Act 2006 (c. 32) or under section 82 of that Act (Community and international obligations), or
 - (v) under section 152 of that Act (intervention in case of functions relating to water etc),
 in relation to the reporting authority’s functions,
 - (b) the Minister of the Crown’s agreement is required to the exercise of a function by a devolved authority in relation to the reporting authority’s functions, or
 - (c) the Minister of the Crown must be consulted by a devolved authority about the exercise of a function in relation to the reporting authority’s functions.
- (6) References in those sections to a reporting authority’s “devolved Welsh functions” are to functions—
- (a) conferred or imposed by or under a Measure or Act of the National Assembly for Wales,
 - (b) exercisable in or as regards Wales and relating to matters within the legislative competence of the National Assembly for Wales, or
 - (c) in relation to which functions are exercisable by the Welsh Ministers, the First Minister or the Counsel General.
- (7) For this purpose functions are not to be regarded as exercisable by the Welsh Ministers, the First Minister or the Counsel General in relation to a reporting authority’s functions merely because—
- (a) the agreement of the Welsh Ministers, the First Minister or the Counsel General is required to the exercise of a function by a Minister of the Crown in relation to the reporting authority’s functions, or

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- (b) the Welsh Ministers, the First Minister or the Counsel General must be consulted by a Minister of the Crown about the exercise of a function in relation to the reporting authority's functions.
- (8) In those sections and this section—
- (a) “Counsel General” and “Wales” have the same meanings as in the Government of Wales Act 2006 (c. 32);
 - (b) “Minister of the Crown” includes a government department.