

2023 No. 118

CLIMATE CHANGE

The Climate Change (Targeted Greenhouse Gases) Order 2023

Made - - - - *2nd February 2023*

Coming into force in accordance with article 1(2) and (3)

A draft of this instrument has been laid before and approved by resolution of each House of Parliament in accordance with sections 24(7), 25(9), and 91(1) and (3) of the Climate Change Act 2008 (“the Act”)(a).

Before the draft was so laid, the Secretary of State—

(a) consulted the Scottish Ministers, the Welsh Ministers and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, in accordance with sections 24(3)(a) and 25(5)(a) of the Act(b), and

(b) obtained and took into account the advice of the Committee on Climate Change, in accordance with sections 24(3)(b) and 25(5)(b) of the Act.

The Secretary of State, in accordance with section 92(3) of the Act, is satisfied that an agreement or arrangement at European or international level recognises that nitrogen trifluoride contributes to climate change.

Accordingly the Secretary of State, in exercise of the powers conferred by sections 24(1)(g), 25(2)(a), 90(3)(a) and (b) and 92(2) of the Act, makes the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Climate Change (Targeted Greenhouse Gases) Order 2023.

(2) Subject to paragraph (3), this Order comes into force on the day after the day on which it is made.

(3) Articles 2 and 3(2) come into force immediately after article 3(3) comes into force.

(4) This Order extends to England and Wales, Scotland and Northern Ireland, except as provided in paragraphs (5) and (6).

(5) Article 4(1) does not extend to Northern Ireland.

(6) Article 4(2) extends to Northern Ireland only.

(a) 2008 c. 27.

(b) See the definitions of “national authority” and “the relevant Northern Ireland department” in sections 95 and 96 of the Act.

Designation of nitrogen trifluoride as a targeted greenhouse gas

2. Nitrogen trifluoride is designated as a targeted greenhouse gas for the purposes of section 24(1)(g) of the Climate Change Act 2008.

Amendments to the Climate Change Act 2008

3.—(1) The Climate Change Act 2008 is amended as follows.

(2) In the table in section 25(1) (base years for targeted greenhouse gases other than CO₂), after the entry relating to sulphur hexafluoride insert—

“nitrogen trifluoride	1995”.
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(3) In section 92(1) (meaning of “greenhouse gas”), after paragraph (f) insert—

“(g) nitrogen trifluoride (NF₃).”.

Occupational Pension Schemes Regulations: definition of “greenhouse gas”

4.—(1) In the definition of “greenhouse gas” in paragraph 26 of the Schedule to the Occupational Pension Schemes (Climate Change Governance and Reporting) Regulations 2021(a), for “section 92” substitute “section 92(1)(a) to (f)”.

(2) In the definition of “greenhouse gas” in paragraph 26 of the Schedule to the Occupational Pension Schemes (Climate Change Governance and Reporting) Regulations (Northern Ireland) 2021(b), for “section 92” substitute “section 92(1)(a) to (f)”.

2nd February 2023

Graham Stuart
Minister of State for Energy and Climate
Department for Business, Energy and Industrial Strategy

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in respect of emissions for the purposes of carbon reporting under the Climate Change Act 2008 (“the Act”).

Article 2 designates nitrogen trifluoride (NF₃) as a targeted designated gas for the purposes of the list of targeted greenhouse gases in section 24(1) of the Act.

Article 3 adds NF₃ into the definition of greenhouse gas in the Act and sets the base year for NF₃ as a targeted greenhouse gas.

Article 4 makes amendments consequential on article 3(3) to maintain the existing definition of greenhouse gas in relation to governance and reporting requirements imposed on trustees of certain occupational pension schemes.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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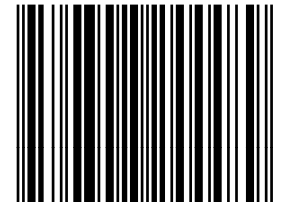
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