



2022 CHAPTER 31

PART 6

Supplementary

Regulation-making powers: advice

Requirement to obtain advice about proposals to make regulations

56.—(1) This section applies in relation to the making of regulations under any provision of this Act, except regulations that are made in accordance with section 54(2)(b) (recommendation by the Committee on Climate Change).

(2) Before making regulations under section 9(4) or 42(1), or laying draft regulations before the Assembly under section 53(3), the Department must—

- (a) request advice from the Committee on Climate Change about the proposal to make the regulations, and
- (b) take the Committee’s advice into account.

(3) When the Department requests advice from the Committee on Climate Change under this section, it must specify a reasonable period within which the advice must be provided.

(4) The Committee must provide the advice within that period.

(5) The Committee’s advice must set out the reasons for the advice.

(6) The Department must publish the Committee’s advice as soon as reasonably practicable after receiving it.

(7) Subsections (8) and (9) apply where—

- (a) the Committee’s advice includes recommendations as to provision that should be made by regulations, and

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(b) the Department intends to make regulations that differ from that recommendation.

(8) If the regulations are to be laid in draft before the Assembly, the Department must at the same time lay before the Assembly a statement setting out the reasons for the difference.

(9) Otherwise, the Department must, on making the regulations, publish a statement setting out the reasons for the difference.

Advice about proposed regulations relating to targets

57.—(1) Subsections (2) and (3) apply where—

- (a) the Department proposes to make regulations, under any provision of this Act, that—
 - (i) specify a different year for a particular emissions target, or
 - (ii) specify a different percentage for a particular year, and
- (b) the Committee on Climate Change provides advice under section 56.

(2) Where the Department proposes to make regulations that specify a different year for a particular target, the Committee's advice must include the Committee's opinion as to—

- (a) whether the year proposed is the earliest year for which the target could be achieved, and
- (b) if not, what is the earliest year for which the target could be achieved.

(3) Where the Department proposes to make regulations that specify a different percentage for a particular year, the Committee's advice must include the Committee's opinion as to—

- (a) whether the percentage proposed is the highest percentage achievable for the year, and
- (b) if not, what is the highest percentage achievable for the year.

(4) When giving advice in accordance with this section, the Committee must have regard to the following matters—

- (a) United Kingdom and international law or policy relating to climate change,
- (b) scientific knowledge about climate change, and
- (c) technology relevant to climate change.

Advice about proposed regulations relating to budgets

58.—(1) This section applies where—

- (a) the Department proposes to make regulations, under any provision of this Act, that set or change a carbon budget for a budgetary period, and
- (b) the Committee on Climate Change provides advice under section 56.

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- (2) The Committee’s advice must include the Committee’s opinion as to—
 - (a) the appropriate level of the carbon budget for the period;
 - (b) the extent to which the carbon budget for the period should be met—
 - (i) by reducing the amount of net Northern Ireland emissions of greenhouse gases, or
 - (ii) by the use of carbon units that, in accordance with regulations made under section 11, may be credited to the net Northern Ireland emissions account for the period;
 - (c) the respective contributions towards meeting the carbon budget for the period that should be made—
 - (i) by the sectors of the Northern Ireland economy covered by trading schemes (taken as a whole);
 - (ii) by the sectors of the Northern Ireland economy not so covered (taken as a whole);
 - (d) the sectors of the Northern Ireland economy in which there are particular opportunities for contributions to be made towards meeting the carbon budget for the period through reductions in emissions of greenhouse gases.
- (3) When giving advice in accordance with this section, the Committee must have regard to the following matters—
 - (a) United Kingdom and international law or policy relating to climate change,
 - (b) scientific knowledge about climate change, and
 - (c) technology relevant to climate change.
- (4) In subsection (2)(c), “trading schemes” has the meaning given by section 44 of the Climate Change Act 2008.