Draft Regulations laid before the Assembly under section 53(3) of the Climate Change Act (Northern Ireland) 2022 for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2025 No.0000

CLIMATE CHANGE

The Northern Ireland Climate Commissioner Regulations (Northern Ireland) 2025

Made - - - -	*January 2025*
Coming into operation	*2025*

The Executive Office, makes the following Regulations in exercise of the powers conferred by section 50 of the Climate Change Act (Northern Ireland) 2022(**a**).

Citation and commencement

1. These Regulations may be cited as the Northern Ireland Climate Commissioner Regulations (Northern Ireland) 2025 and shall come into operation on XX XXXX 2025.

Interpretation

2. In these Regulations—

"the Act" means the Climate Change Act (Northern Ireland) 2022;

"the Commissioner" means the Northern Ireland Climate Commissioner;

"the Office" means the Executive Office;

"information" includes information recorded in any form;

The Northern Ireland Climate Commissioner

3. There is to be an office known as the Northern Ireland Climate Commissioner.

(1) The Commissioner is to be appointed by the First Minister and deputy First Minister acting jointly.

Functions of the Commissioner

4. For the purpose of exercising the Commissioner's functions of overseeing and reporting on the operations of the Act, the Commissioner may in particular—

(a) provide advice and make recommendations;

(b) undertake or commission research;

(**a**) 2022 c.31 (N.I.)

(c) publish—

(i) reports,

(ii) advice and recommendations,

(iii) other relevant information.

Status

5.—(1) The person for the time being holding the office of the Commissioner is by that name a corporation sole.

(2) The Commissioner is not to be regarded—

(a) as the servant or agent of the Crown, or

(b) as enjoying any status, immunity, or privilege of the Crown.

(3) Any property held by the Commissioner is not to be regarded as property of, or property held on behalf of, the Crown.

General powers

6.—(1) The Commissioner may do anything, apart from borrowing money, which the Commissioner considers is-

(a) appropriate for facilitating, or

(b) incidental or conducive to,

the exercise of the Commissioner's functions.

(2) That includes in particular-

(a) co-operating with other bodies exercising functions which relate to climate change, whether in the United Kingdom or elsewhere;

(b) acquiring, holding and disposing of real or personal property; and

(c) entering into contracts.

Tenure of Office

7.—(1) Subject to the provisions of this regulation, a person holds and vacates office as the Commissioner in accordance with the terms of that person's appointment.

(2) An appointment as the Commissioner is for a term of five years.

(3) A person who ceases to be the Commissioner on the expiration of that person's first term of office is eligible for re-appointment, but a person who has been re-appointed by virtue of this regulation is not eligible for appointment or re-appointment as the Commissioner at any time after the end of that person's second term of office.

(4) A person may at any time resign from office as the Commissioner by written notice to the First Minister and deputy First Minister.

(5) The First Minister and deputy First Minister acting jointly may remove a person from office as the Commissioner if satisfied that that person has—

(a) been convicted of a criminal offence;

(b) become bankrupt, or is the subject of a bankruptcy restrictions order, a debt relief order or a debt relief restrictions order, or has made a voluntary arrangement;

(c) without reasonable excuse, failed to discharge the functions of the Commissioner for a continuous period of three months; or

(d) become unfit or unable to exercise the functions of the Commissioner.

(6) Each of the expressions used in paragraph (5)(b) has the same meaning as in the Insolvency (Northern Ireland) Order 1989(**b**).

Salary, etc

8.—(1) The Office may pay to or in respect of the Commissioner such remuneration and allowances (including allowances for expenses) as the Office may determine.

(2) A determination of the Office under this regulation requires the approval of the Department of Finance.

Staff

9.—(1) The Commissioner may appoint such number of staff as the Commissioner may determine.

(2) The remuneration and other conditions of service of members of the Commissioner's staff are to be determined by the Commissioner.

(3) The Commissioner may make such payments towards the provision of allowances to or in respect of the members of the Commissioner's staff as the Commissioner may determine.

(4) A determination of the Commissioner under this regulation requires the approval of the Office and the Department of Finance.

Seal

10. The application of the seal of the Commissioner must be authenticated by the Commissioner's signature, or by the signature of a member of the Commissioner's staff who is authorised by the Commissioner to do so.

Evidence

11. A document purporting to be an instrument issued by the Commissioner and to be duly executed under the Commissioner's seal or to be signed by, or on behalf of, the Commissioner is to be received in evidence and is, unless the contrary is proved, taken to be such an instrument.

Property

12.—(1) Any real or personal property vested in the Commissioner must (unless and until disclaimed or disposed of) vest in the Commissioner's successor in office.

(2) Where there is a vacancy in the office of Commissioner at the time when real or personal property would otherwise have vested, the property must vest in the successor on that person's appointment.

Funding

13.—(1) The Office may make grants to the Commissioner of such amounts as it may determine.

(2) The Commissioner must pay to the Office any sums received by the Commissioner in the course of, or in connection with, the exercise of the Commissioner's functions .

(3) Paragraph (2) does not apply to such sums, or sums of such description, as the Office may with the approval of the Department of Finance direct

(4) Any sums received by the Commissioner under paragraph (2) are to be paid into the Consolidated Fund.

Accounts

14.—(1) The Commissioner must—

(a) keep proper accounts and proper records in relation to the accounts, and

(b) prepare a statement of accounts in respect of each financial year.

(2) The statement of accounts must be in such form, and contain such information, as the Office may, with the approval of the Department of Finance, direct.

(3) The Commissioner must, within such period after the end of each financial year as the Office may direct, send copies of the statement of accounts relating to that year to—

(a) the Office, and

(b) the Comptroller and Auditor General for Northern Ireland.

(4) The Comptroller and Auditor General for Northern Ireland must—

(a) examine, certify and report on every statement of accounts sent to the Comptroller and Auditor General by the Commissioner under this regulation, and

(b) send a copy of the report of the Comptroller and Auditor General for Northern Ireland to the Office.

(5) The Office must lay before the Northern Ireland Assembly—

(a) a copy of the statement of accounts, and

(b) a copy of the report of the Comptroller and Auditor General for Northern Ireland.

(6) In this regulation and regulation 15, "financial year" means—

(a) the period beginning with the day on which the first person appointed as Commissioner takes office and ending with the next 31st March following that date, and

(b) each successive period of twelve months ending with 31st March.

Annual report

15.—(1) The Commissioner must, as soon as practicable after the end of each financial year, send to the Office a report on the exercise of the Commissioner's functions during that year.

(2) The Office must lay a copy of the report sent to it under this regulation before the Assembly.

Sealed with the official seal of The Executive Office on [Date]

Name
A senior officer of the
Department

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations are made under section 50 of the Climate Change Act (Northern Ireland) 2022. They establish the office of the Northern Ireland Climate Commissioner and make provision about the functioning of that office.

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£5.78

http://www.legislation.gov.uk/id/nidsr/2025/9780338024091

ISBN 978-0-33-802409-1

