EXPLANATORY MEMORANDUM TO

THE RESPONSE TO THE COMMITTEE ON CLIMATE CHANGE REPORT (EXTENSION OF PERIOD) ORDER 2022

2022 No. 982

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Business, Energy and Industrial Strategy and is laid before Parliament by Command of His Majesty.

2. Purpose of the instrument

2.1 The Secretary of State is required by the Climate Change Act 2008 to respond to the points made by the Committee on Climate Change's (the "Committee") progress report laid before Parliament on 29 June 2022 by 15 October 2022.

2.2 The Government has announced an independent review of its approach to meeting the net zero 2050 target, set out in Section 1 of the Climate Change Act ("Net Zero"). This instrument extends the deadline to respond to the Committee's progress report, from 15 October 2022 to 31 March 2023, to allow the Government to lay the response after the independent review has been completed and considered.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is the United Kingdom.

4.2 The territorial application of this instrument is the United Kingdom.

5. European Convention on Human Rights

5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

6. Legislative Context

6.1 The Climate Change Act 2008 (the "Act") received royal assent on 26 November 2008. Section 32 (the Committee on Climate Change) and Schedule 1 of the Act established the Committee as an independent, and non-departmental public body.

6.2 Section 36 (reports on progress) of the Act requires the Committee to lay an annual report assessing progress that has been made and that is needed to be made towards meeting the carbon budgets and reaching Net Zero by 2050. The Committee must make this report to Parliament, the Scottish Parliament, and national assemblies in Wales and Northern Ireland by 30 June each year, excluding reports in the second year after the end of budgetary periods.

6.3 Section 37 (response to the Committee's report on progress) of the Act places a duty on the Secretary of State to lay before Parliament a response to the Committee on Climate Change's progress report. Under Section 37(4) the response must be laid by 15 October in the same year as the Committee's progress report was made.

6.4 Section 37(5) and (6) of the Act allow the Secretary of State to extend the deadline to respond to the progress report, by negative resolution order. This instrument uses these powers to extend the 2022 deadline from 15 October 2022 to 31 March 2023. It does not extend the deadline for subsequent years.

7. Policy background

What is being done and why?

7.1 The Committee was established as an independent statutory body under the Act. Its purpose is to advise the UK and devolved administrations on emissions targets and to report to Parliament on progress made in reducing greenhouse gas emissions (mitigation) and preparing for the impacts of climate change (adaptation).

7.2 In accordance with the requirement in section 36 of the Act, the Committee presented its annual assessment of UK progress in reducing emissions on 29 June this year.

7.3 The Secretary of State has a duty under the Act to respond to the points made in the Committee's assessment of UK progress in reducing emissions. On 8 September 2022 the Prime Minister announced an independent review of the Government's approach to meeting Net Zero. This review will look at the approach to delivering Net Zero, to ensure we are delivering it in a way that is pro-growth and pro-business. The review will make a set of recommendations on how best to achieve this by the end of December 2022.

7.4 The Government does not want to pre-empt or undermine the outcome of the review by publishing a response to the Committee's progress report ahead of the conclusion of the review.

7.5 Given this, and the fact that the response to the Committee report is a response to our progress on meeting our carbon budgets and Net Zero, the Government determines that it is necessary to include a consideration of the outcome and recommendations of this review in its response to the Committee.

7.6 We are extending the deadline by 3 months beyond the review's conclusion, to give Government sufficient time to consider its response to the review and reflect this in its response to the CCC progress report.

7.7 This instrument will, therefore, amend the deadline for the Secretary of State's response to the Committee's progress report from the 15 October 2022 to 31 March 2023. This instrument will not extend the deadline for subsequent years.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union or trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 Consolidation is not required for this instrument.

10. Consultation outcome

10.1 Consultation is not required for this instrument under powers in the Climate Change Act 2008, and a consultation has not been conducted for this instrument.

10.2 The Department for Business, Energy, and Industrial Strategy has engaged with the Committee and the devolved administrations on its intention to lay this instrument.

11. Guidance

11.1 Guidance has not been produced for this instrument because the memorandum provides the full background to the purpose of this instrument.

12. Impact

12.1 There is no, or no significant, impact on business, charities, or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

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

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The Department does not intend to monitor this instrument as it amends the deadline for 2022 only and does not impose burdens on business.

15. Contact

15.1 George Farrington at the Department for Business, Energy, and Industrial Strategy Telephone: 020 7215 6765 or email: george.farrington@beis.gov.uk can be contacted with any queries regarding the instrument.

15.2 Helen Martin and Jo Warner, Deputy Directors, Net Zero Strategy Directorate, at the Department for Business, Energy, and Industrial Strategy can confirm that this Explanatory Memorandum meets the required standard.

15.3 The Minister of State, Graham Stuart, MP at the Department for Business, Energy, and Industrial Strategy can confirm that this Explanatory Memorandum meets the required standard.