EXPLANATORY MEMORANDUM TO

THE RESPONSE TO THE COMMITTEE ON CLIMATE CHANGE REPORT (EXTENSION OF PERIOD) ORDER 2024

2024 No. 903

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Energy Security and Net Zero and is laid before Parliament by Command of His Majesty

2. Declaration

2.1 The Parliamentary Under-Secretary of State, Kerry McCarthy, at the Department for Energy Security and Net Zero, responsible for Net Zero strategy and carbon budgets, can confirm that this Explanatory Memorandum meets the required standard.

2.2 The Senior Civil Servant, Jonathan Hoare, at the Department for Energy Security and Net Zero, responsible for Net Zero strategy and carbon budgets, can confirm that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Eloise Harrison, the Department for Energy Security and Net Zero. Telephone: 07745107466 or email: Eloise.harrison@energysecurity.gov.uk can be contacted with any queries regarding the instrument.

3.2 Jonathan Hoare, Deputy Director, Net Zero, Nuclear and International Group, at the Department for Energy Security and Net Zero. Telephone: 07825 218673 or email: jonathan.hoare@energysecurity.gov.uk.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 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 18 July 2024, by 15 October 2024.

4.2 This instrument extends the deadline to respond to the Committee's progress report, from 15 October 2024 to 19 December 2024. This will provide sufficient time for the Government to lay the response based on the fact that this year the CCC published their report later than in previous years due to the election period, and will allow the response to be published after the conclusion of the Spending Review. The Government also requires time to determine its approach to Net Zero and this impacts how it will respond to the Committee's recommendations.

Where does the legislation extend to, and apply?

4.3 The extent of this instrument is the United Kingdom.

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

5. Policy Context

What is being done and why?

5.1 The Committee was established as an independent statutory body under the Act. It advises the UK and devolved administrations on emissions targets and reports annually to Parliament on progress made in reducing greenhouse gas emissions (mitigation) and preparing for the impacts of climate change (adaptation).

5.2 Section 37(4) of the Climate Change Act 2008 requires that the government response to this report is laid no later than 15 October.

5.3 This year, the Committee published their report later than previous years, due to the election period. The Government also requires time to determine its approach to Net Zero and this impacts how it will respond to the Committee's recommendations. Finally, this delay will allow the response to be published after the conclusion of the Spending Review on 30 October 2024.

5.4 As a result, the Government will delay the response to allow for sufficient time to consider and robustly respond to each recommendation. Delaying to no later than 19 December will enable the response to be laid in Parliament before winter recess.

What was the previous policy, how is this different?

5.5 There is no policy change. This legislation just extends the deadline for responding to the Committee's Progress Report.

6. Legislative and Legal Context

How has the law changed?

6.1 This legislation extends the deadline for the Secretary of State to respond to the Committee's report from 15 October 2024 to 19 December 2024, using the power under section 37(5) of the Climate Change Act 2008.

Why was this approach taken to change the law?

6.2 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 Consultation is not required for this instrument under the Climate Change Act 2008, and a consultation has not been conducted for this instrument, given this is a minor extension to a statutory deadline.

7.2 The Department for Energy Security and Net Zero has engaged with the Committee and the devolved administrations on its intention to lay this instrument.

8. Applicable Guidance

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

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because no, or no significant, impact on the private or voluntary sectors is foreseen.

Impact on businesses, charities and voluntary bodies

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

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

9.4 The is no, or no significant impact on small businesses.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The instrument does not include a statutory review clause and the Department does not intend to monitor this instrument, as it amends the deadline for 2024 only and does not impose burdens on business.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 The Minister for Climate has made the following statement regarding Human Rights:

In my view, the provisions of the Response to the Committee on Climate Change Report (Extension of Period) Order 2024 are compatible with the Convention rights.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").