



# Consultation on Climate Change Reporting by Specified Public Bodies - Developing New Regulations

Supporting Document:  
Frequently Asked Questions and Answers

March 2023

## Supporting Document: Frequently Asked Questions and Answers

This document is one of three supporting documents to be read in conjunction with the consultation document. The supporting documents are provided for anyone who wants general additional background information to help inform their views and responses to the consultation. This document provides supplementary background information via potential 'Frequently Asked Questions and Answers'.

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## Frequently Asked Questions and Answers

**Q1. What is the Climate Change Act (Northern Ireland) 2022 and when did it become operational?**

**A:** The Climate Change Act (Northern Ireland) 2022 received Royal Assent on 6th June 2022, becoming operational the next day, on 7th June. This Act sets out Northern Ireland's framework for tackling climate change and reducing emissions, by setting (among other things) challenging targets for Northern Ireland departments to deliver net zero emissions in Northern Ireland by the year 2050.

Departments also have duties under the Act to produce carbon budgets (i.e. caps or limits on the level of emissions which are permitted over a 5-year period) and climate action plans. In connection with these duties, the Act places a range of reporting requirements on Northern Ireland departments, including the development and publication of sectoral plans, progress reports and statements.

The Act also requires subordinate legislation (i.e. regulations) to be made by some departments, to achieve specific outcomes. Such as the Department of Agriculture, Environment and Rural Affairs ('DAERA') has requirements to make new regulations for the establishment of a Just Transition Commission, a Just Transition Fund for Agriculture and also to place climate change reporting duties on 'specified public bodies'. The Executive Office must make regulations to establish a Climate Commissioner.

**Q2. What new law (regulations) is required to be made, under section 42 of the Climate Change Act (Northern Ireland) 2022, and when is it required to be made?**

**A:** Section 42 of the Climate Change Act (Northern Ireland) 2022 requires DAERA to make new regulations, which will impose climate change reporting duties on specified public bodies. The Act requires that these regulations come into operation before 6th December 2023.

**Q3. Are there any other duties placed on public bodies (outside of section 42), under the Climate Change Act (Northern Ireland) 2022?**

**A:** There are no requirements or powers in the Act to require public bodies (outside of Northern Ireland departments (see answer to question 1) to take actions beyond the action of climate change reporting.

**Q4. Will the new regulations require public bodies to carry out their functions in a certain way, or to meet other targets beyond having to report on climate change?**

**A:** Section 42 of the Climate Change Act (Northern Ireland) 2022 requires DAERA to make new regulations, which will place climate change reporting duties on specified public bodies. The Act does not contain any powers or duties to require public bodies to take any action to meet targets set within the Act or to deliver their functions in a certain way, beyond reporting on climate change.

**Q5. What does section 42 of the Climate Change Act (Northern Ireland) 2022 require the climate change reporting duties (to be set on specified public bodies) to look like?**

**A:** Climate change duties set within the new regulations are required to be within the scope of section 42 of the Climate Change Act (Northern Ireland) 2022. Section 42 of the Act directs that climate change reporting duties, are duties for specified public bodies to prepare reports which can contain the following:

- a) an assessment of the current and predicted impact of climate change in relation to the body's functions;
- b) a statement of the body's proposals and policies for adapting to, or mitigating the effects of, climate change in the exercise of its functions;
- c) a statement of the timescales for implementing those proposals and policies;
- d) an assessment of the progress made by the body towards implementing the proposals and policies set out in any previous reports prepared under the regulations.

The Act also gives powers for the upcoming regulations to include a requirement for the specified public bodies, when preparing the reports, to have regard to:

- (a) the most recent report under section 56 of the UK Climate Change Act 2008 (these are 5-yearly UK climate change risk assessments (CCRA) produced by the UK government);
- b) the most recent programme under section 60 of the UK Climate Change Act 2008 (these are 5-yearly Northern Ireland departments climate change adaptation programmes which are in response to the risks identified for Northern Ireland in the most recent UK CCRA); and
- c) the desirability of co-ordinating the proposals and policies with corresponding proposals and policies in other parts of the United Kingdom, in the Republic of Ireland or elsewhere.

The future regulations can also:

- a) set the time periods which the reports must cover;
- b) set dates when a report must be prepared and submitted by the body;
- c) provide allowances for co-operation between public bodies in the preparation of a report; and
- d) provide allowances for the preparation of a joint report by two or more public bodies.

**Q6. Who are the specified public bodies who will have to report under the new, upcoming regulations?**

**A:** Section 42 the Climate Change Act (Northern Ireland) 2022 defines what a public body is - “a person or organisation who carries out functions of a public nature’, or a ‘statutory undertaker within the meaning of the Planning Act 2011”. However, it does not list who those bodies are, nor does it state which of those bodies should be specified as having climate change reporting duties placed on them. It will be a future DAERA Minister and Northern Ireland Executive decision, as to which public bodies will be specified as having reporting duties under the new regulations. Views collected from this consultation will help inform that decision.

**Q7. What if my organisation *already* reports on climate change related matters, in terms of its functions to a Northern Ireland department, outside of section 42 requirements?**

**A:** Some public bodies that will be listed in the future regulations as having reporting duties placed upon them, may already provide some level of climate change reporting in relation to their functions to Northern Ireland departments. For example, to help that particular department meet its duties or reporting requirements under the Climate Change Act (Northern Ireland) 2022, or under the UK Climate Change Act 2008, or as a part of reporting under other government policies and strategies. These bodies should continue to report on these aspects to their respective/relevant department as required (and/or as requested) by those departments, even if they are listed as having to report under the upcoming regulations.

**Q8. Will reporting by the specified public bodies be mandatory or voluntary under the new, upcoming regulations?**

**A:** If a public body is specified in the future regulations as having climate change reporting duties placed on them, then they will have a legal requirement to deliver on those duties in accordance with those regulations. However, it is expected that voluntary reporting by public bodies could be undertaken by those who wish to provide a report but are not specified to do so in the regulations. The requirements to be set in the future regulations including who should be specified as having to report, are subject to a future DAERA Minister and a Northern Ireland Executive decision. The views collected through this consultation will help inform that decision.

**Q9. How will the information collected under the new regulations be used by government?**

**A:** Government recognises the importance of collecting high quality, proportional, relevant, and useful information from outside central government in relation to climate change. The data and information collected under the new regulations will help government understand:

- what the impacts of climate change are in the wider public sector;
- what the planned actions are, to address these impacts and to reduce emissions; and
- the progress being made.

The data collected may also help inform the development of government policies, actions and interventions, which may in turn help government meet its commitments under the Act. For example, DAERA are already exploring how the data to be collected

and the timing of reporting to be required, can help inform the UK climate change risk assessments and the Northern Ireland adaptation programmes required under the UK Climate Change Act 2008. The position on all the potential uses of the data by government will not be fully developed until after the regulations have been made, and reporting has begun. Analysis of how the data will be used by government will continually develop after reporting begins, and onwards through the future proceeding reporting cycles, as data sets mature and reporting evolves.

**Q10. What are the benefits of climate change reporting by public bodies?**

**A:** There are multiple benefits to climate change data collection and reporting by public bodies. The supporting document 'The Benefits of Climate Change Reporting by Public Bodies' which can be found on the DAERA consultation [webpage](#) provides more detail about these benefits.

**Q11. How will public bodies be supported by government in meeting their reporting duties under the new regulations?**

**A:** DAERA is exploring the development of supporting guidance, to help specified public bodies meet their climate change reporting duties which will be required by the future regulations. The department is also exploring the potential for relevant training to be provided to these public bodies. The views gathered from this consultation will help identify and decide what support is needed and should be provided to help specified public bodies meet their upcoming reporting duties.

**Q12. How often will specified bodies be required to report and when will the first reports be required under the new regulations?**

How often specified public bodies will be required to report and when they will be required to report under the upcoming regulations, has yet to be decided by a future DAERA Minister and Northern Ireland Executive. The views gathered from this consultation will help inform that decision.

**Q13. Will the information and data collected from specified public bodies under the new regulations be publicly available?**

Section 42(5) of the Climate Change Act (Northern Ireland) 2022 allows the regulations to require publication of the climate change reports provided by the specified public bodies. In addition, DAERA are currently exploring the development of an online portal for specified public bodies to enter data into, to help them deliver on their climate change reporting duties. This approach could enable the development of a database which could be made publicly available.

**Q14. What will happen if public bodies who are specified to report under the new regulations do not report?**

There are currently no enforcement powers in the Climate Change Act (Northern Ireland) 2022, but there is a legal requirement for specified public bodies to report.

**Q15. What if a public body has reporting duties placed on them by the new regulations but they do not currently have any experience in climate change reporting?**

DAERA is exploring the development of supporting guidance, to help specified public bodies in developing their climate change reporting duties set by the new upcoming regulations. The department is also exploring the potential for relevant training to be provided to these public bodies. The views gathered from this consultation will help identify and decide what support is needed and should be provided to help specified public bodies meet their reporting duties.

**Q16. Will a standardised methodology be applied to the reporting that will be required under the new regulations?**

DAERA is currently exploring the development of future supporting guidance to the regulations to help specified public bodies meet their climate change reporting duties. Typically, guidance of this nature can only be developed after the regulations, on which they are based, have been made. Such supporting guidance would likely cover detail on the methodologies and technical applications to be used by public bodies to help them meet their reporting duties. By way of example this could include:

- the organisational and geographical boundaries for reporting;
- methodologies and tools to be used for measurements and calculations; and
- using and inputting data into an online reporting portal.

Development of an online reporting portal is currently being considered by DAERA, as it could help to:

- enable a standardised methodology for data collection and input (e.g. an automated standardised formulae to calculate emissions levels);
- ensure reporting consistency and allowances for data comparisons year on year.



**Q17. Has there been any engagement with public bodies, regarding the new upcoming regulations, before the launch of this consultation?**

Yes, DAERA ran a series of pre-consultation workshops with public bodies in the last quarter of 2022. At these workshops, public bodies from across Northern Ireland had the opportunity to learn more about, and help inform the development of, the new upcoming climate change reporting regulations which might affect them. The views gathered at these workshops have also helped inform this consultation.

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