

Statutory Document No. 2022/0124



Climate Change Act 2021

CLIMATE CHANGE (PUBLIC BODIES' REPORTING REQUIREMENTS) REGULATIONS 2022

Approved by Tynwald:

20 July 2022

Coming into Operation: in accordance with regulation 2

The Council of Ministers, having consulted in accordance with section 35 of the Climate Change Act 2021, makes the following Regulations under section 23 of that Act.

1 Title

These Regulations are the Climate Change (Public Bodies' Reporting Requirements) Regulations 2022.

2 Commencement

If approved by Tynwald, these Regulations come into operation on the day after they are approved.

3 Interpretation

In these Regulations —

“**the Act**” means the Climate Change Act 2021;

“**annual report**” means a report prepared by a public body in accordance with regulation 4 (annual reports);

“**annual reporting form**” means the form or online portal published from time to time by the Council of Ministers for the purpose of submitting an annual report;

“**category A**”, “**category B**” and “**category C**” in respect of public bodies have their respective meanings given in the guidance;

“**climate change duties**” means the duties set out in Section 21 of the Act;

“**guidance**” means the Climate Change Duties Guidance for Public Bodies¹ published under Section 21 of the Act;

¹ GC 2022/2

“**non-compliance report**” means a report prepared by a public body in accordance with regulation 7 (reporting in cases of non-compliance); and

“**report year**” means the year for which an annual report is to be prepared under regulation 4(1).

4 Annual reports

- (1) A public body must prepare an annual report on compliance with its climate change duties for each period of 12 months ending on 31 March.
- (2) Category A public bodies must submit the annual report to the Council of Ministers within a period of 6 months from the end of the report year.
- (3) Category B public bodies must submit the annual report to the Council of Ministers within a period of 4 months from the end of the report year.
- (4) Category C public bodies must submit the annual report to the Council of Ministers within a period of 2 months from the end of the report year.

5 Form and content of annual reports

- (1) The annual report must be submitted to the Council of Ministers by means of the annual reporting form.
- (2) The annual report must contain —
 - (a) in respect of all public bodies —
 - (i) the name of the public body;
 - (ii) the report year; and
 - (iii) whether the public body is a category A, B or C public body based on the criteria set out in the guidance;
 - (b) in respect of Category A public bodies —
 - (i) the public body’s baseline year;
 - (ii) emissions data in respect of the public body’s baseline year;
 - (iii) emissions data in respect of the reporting year; and
 - (iv) if the annual report is not the first annual report, information relating to trends in the public body’s emissions reductions or increases since the first annual report.
 - (c) in respect of Category A and B public bodies —
 - (i) such information as may be requested by the Council of Ministers in the annual reporting form in relation to the public body, including but not limited to —
 - (A) the revenue and expenses of the public body for the report year;

- (B) the average number of full time equivalent staff employed by the body during the report year;
 - (C) in relation to any buildings in respect of which the public body consumes fuel for heating, information relating to the number, size and usage of such buildings, the heating installations and the methods of heating of such buildings, the consumption data in relation to fuel used for heating such buildings, and the energy efficiency measures of such buildings;
 - (D) in relation to any vehicles in respect of which the public body consumes fuel, information relating to the number of such vehicles, and the usage, and consumption data in relation to fuel for such vehicles; and
 - (E) information relating to the generation of electricity by the public body; and
- (ii) such information as may be requested by the Council of Ministers in the annual reporting form in relation to the public body's –
- (A) governance structures and decision making processes;
 - (B) activities and functions;
 - (C) plans, policies and objectives;
 - (D) certifications;
 - (E) programmes of training and awareness; and
 - (F) other methods of implementation of the climate change duties,
- in so far as that information relates to compliance with the climate change duties;
- (d) in respect of Category C public bodies, a declaration that the public body has remained inactive throughout the reporting year; and
 - (e) in respect of any public body which has submitted a non-compliance report, information required under regulation 7.
- (3) A public body may submit such supporting documentation with an annual report as it sees fit and any such supporting documentation forms part of that body's report.

- (4) Within 30 days of receipt of the annual report, or any additional information requested under sub-paragraph (b), the Council of Ministers must –
 - (a) notify the public body in writing to the public body that the Council of Ministers is satisfied that the report complies with the requirements of regulation 5; or
 - (b) send a notification in writing advising what information is required in order for the report to comply with those requirements.
- (5) Information required under paragraph (4)(b) must be provided to the Council of Ministers within 30 days of the date of the notification.
- (6) For the purposes of paragraph 2(b) the public body's baseline year is the 12 month period specified by the public body as the period used for the purpose of –
 - (a) specifying in the annual report the known emissions of that public body in that specified 12 month period (“baseline emissions”); and
 - (b) comparing and reporting any changes in that public body's emissions in any subsequent reporting year against those baseline emissions.
- (7) If a public body changes its baseline year the public body must provide –
 - (a) emissions data relating to the new baseline year; and
 - (b) the reasons for the change,in the annual report immediately following the change.
- (8) In this regulation, “emissions data” means information relating to the sources and amounts of emissions or removals from the atmosphere of greenhouse gases by a public body.

6 Group reports

- (1) A group report may be submitted on behalf of a group of public bodies.
- (2) A group report submitted under paragraph (1) must –
 - (a) specify the public bodies to which it relates; and
 - (b) comply with the requirements of regulation 5 and 7 in respect of each public body that forms part of the group.
- (3) A group report submitted under paragraph (1) may be published jointly by the public bodies to which it relates.
- (4) Submission of a group report does not preclude individual public bodies from investigation under section 24(2) or 27(1) of the Act and regulation

7 applies to individual public bodies whether or not their annual report has been submitted as part of a group report.

7 Reporting in cases of non-compliance

- (1) Any public body which, following an investigation under section 24(2) or 27(1) of the Act, is found to be failing to comply with the climate change duties, must prepare a non-compliance report on the actions it has taken, is taking or intends to take to secure future compliance with those duties.
- (2) The Council of Ministers must notify the public body in writing where a non-compliance report is required.
- (3) The public body must submit the non-compliance report to the Council of Ministers in accordance with the notification.
- (4) The notification must contain information as to –
 - (a) which of the climate change duties the public body has not complied with;
 - (b) an explanation of the action or inaction which constitutes the non-compliance;
 - (c) the date by which the non-compliance report must be submitted, which must be not earlier than 3 months from the date of the notice; and
 - (d) the content of the report, as required under regulation 8(3).
- (5) The notification may contain –
 - (a) recommendations as to how compliance may be achieved;
 - (b) requests for particular information relevant to the non-compliance; and
 - (c) such other information as the Council of Ministers considers relevant.
- (6) The Council of Ministers must, within three months of receipt of a non-compliance report –
 - (a) decide whether it is satisfied that the actions set out in the report are sufficient to achieve compliance with the climate change duties; and
 - (b) notify the public body, in writing, of that decision.
- (7) Where the Council of Ministers is satisfied that the actions set out in the non-compliance report are sufficient to achieve compliance with the climate change duties, the public body must include information as to the progress it has made in respect of those actions in that public body's next annual report.
- (8) Where the Council of Ministers considers that the actions set out in the non-compliance report are not sufficient to achieve compliance, or where

a public body fails to submit the non-compliance report in accordance with the notification, the public body must take such action that the Council of Ministers notifies to the public body, after the Council of Ministers have consulted with that public body.

8 Form and content of non-compliance reports

- (1) In preparing the non-compliance report a public body must have regard to the notification and the recommendations for achieving compliance given in the notification (if any) that it has received from the Council of Ministers.
- (2) The non-compliance report must be submitted in writing.
- (3) The non-compliance report must contain information as to –
 - (a) the actions the public body has taken, is taking or intends to take to secure future compliance with the climate change duties; and
 - (b) the time periods within which such actions have been, are being or will be taken.
- (4) A public body may submit such supporting documentation with the non-compliance report as it sees fit and any such supporting documentation forms part of the non-compliance report.

MADE 27 MAY 2022

C RANDALL
Interim Chief Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made by the Council of Ministers under Section 23(1) of the Climate Change Act 2021, following consultation in accordance with Section 35 of that Act.

Regulation 4 requires public bodies to prepare annual reports on compliance with their climate change duties and sets out the periods within which those reports must be submitted to the Council of Ministers.

Regulation 5 sets out the required form and manner the annual reports and the information the reports must contain.

Regulation 6 enables groups of public bodies to submit a group report.

Regulation 7 requires any public body found, following an investigation under section 24(2) or 27(1) of the Act, to be failing to comply with its climate change duties, to prepare a non-compliance report on the actions it has taken, is taking or intends to take to secure future compliance with those duties. This regulation also sets out the actions which must be taken by the Council of Ministers following receipt of a non-compliance report.

Regulation 8 sets out the form and manner of the non-compliance reports and the information which the non-compliance reports must contain.