

Statutory Document No. 2023/0075



Climate Change Act 2021

CLIMATE CHANGE (PUBLIC BODIES' REPORTING REQUIREMENTS) (AMENDMENT) REGULATIONS 2023

Approved by Tynwald:

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) (Amendment) Regulations 2023.

2 Commencement

If approved by Tynwald, these Regulations come into operation on the day after they are approved by Tynwald.¹

3 Amendment of the Climate Change (Public Bodies' Reporting Requirements) Regulations 2022

The Climate Change (Public Bodies' Reporting Requirements) Regulations 2022² are amended in accordance with regulations 4 and 5.

4 Amendment of regulation 3

In regulation 3 (interpretation) after the definition of "climate change duties" insert –

☒ "Consumption data" means –

- (a) the types and amount of fuel;

¹ Tynwald approval is required in accordance with section 30(4) of the Climate Change Act 2021 which requires that the procedure in section 30 ("approval required") of the Legislation Act 2015 applies in relation to the making of any regulations or orders under that Act.

² SD 2022/0124

- (b) the sources and amounts of electricity,
used by a public body;
“first report period” means 1 April 2022 to 31 March 2023; **22**.

5 Amendment of regulation 5

- (1) In regulation 5(2) after “report” insert **23** in respect of the first reporting period **22**.
- (2) For regulation 5(2)(a) substitute —
 - 23**(a) in respect of all public bodies —
 - (i) the name of the public body; and
 - (ii) the average number of full time equivalent staff employed by the body during the reporting year; and **22**.
- (3) For regulation 5(2)(b) substitute —
 - 23**(b) in respect of Category A public bodies —
 - (i) the public body’s baseline year;
 - (ii) where the baseline year is not the first reporting period, consumption data in respect of the public body’s baseline year; and
 - (iii) consumption data in respect of the reporting year; **22**.
- (4) For regulation 5(2)(c)(i)(C) substitute —
 - 23**(C) in relation to any building that is owned or occupied by the public body, or for which the public body is responsible for the installation or maintenance of the heating system, —
 - (i) information relating to the number, size, usage and methods of heating such buildings;
 - (ii) consumption data in relation to heating such buildings; and
 - (iii) energy efficiency measures used in such buildings; **22**.
- (5) Omit “and” at the end of regulation 5(2)(c)(i)(D).
- (6) After regulation 5(2)(c)(i)(E) insert —
 - 23**(F) information as to whether the information provided under this regulation has been measured, estimated, proportionally allocated, extrapolated or assumed and, if estimated, proportionally allocated,

- extrapolated or assumed, the criteria used to do so; and **22**.
- (7) For regulation 5(2)(d) substitute —
- 23** (d) in respect of Category C public bodies —
 - (i) where the public body having an average of between 1 and 15 full time equivalent staff employed during the reporting year, information about actions the public body has taken in relation to the climate change duties during the reporting year; or
 - (ii) where the public body has been financially inactive during the reporting year, a declaration that the public body has remained inactive throughout the reporting year; and **22**.
- (8) After regulation 5(2) insert —
- 24** (2A) The annual report in respect of each subsequent reporting period must contain —
 - (a) subject to paragraph (7), the information set out in paragraph (2), except, consumption data relating to the public body's baseline year; and
 - (b) information relating to trends in the public body's consumption data since the report for the first reporting period.
 - (2B) If any of the information requested in the annual reporting form is unavailable or incomplete at the time the report is submitted, a public body must include in the annual report —
 - (a) an explanation of why the information is unavailable or incomplete;
 - (b) the measures planned or underway by the public body to obtain the information; and
 - (c) the expected reporting period by which the missing information will be available; and
 - (d) if the missing information cannot be obtained, an explanation as to the reason why the information cannot be obtained. **22**.
- (9) In regulation 5(6) —
- (a) for “emissions”, in the first, second and third places it occurs, substitute **23** consumption data **22**; and
 - (b) for “those baseline emissions” substitute **23** the baseline consumption data **22**.
- (10) In regulation 5(7)(a) for “emissions data” substitute **23** consumption data **22**.

- (11) Omit regulation 5(8).

MADE 6 MARCH 2023

C RANDALL

Interim Chief Executive Officer (Isle of Man Government)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Climate Change (Public Bodies' Reporting Requirements) Regulations 2022 (“the Principal Regulations”).

The changes made to the Principal Regulations will remove the requirement to calculate emissions. Public Bodies will now provide consumption data, such as fuel and electricity usage, and a portal will automatically calculate emissions. Changes will also enable reports to be submitted where information is unavailable or incomplete, subject to a requirement to explain why the information is missing and when it will be obtained. In addition the result of the changes made to the Principal Regulations will avoid duplication of data and clarify that the baseline year may be the same as the first reporting period and significantly reduce reporting requirements for bodies with 15 or fewer employed staff.