

Subsidiary Legislation made under s.4(3).

## **Gibraltar Climate Change Committee Regulations 2021**

**LN.2021/167**

*Commencement*

**4.3.2021**

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### **ARRANGEMENT OF REGULATIONS.**

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**2021/167 Gibraltar Climate Change Committee Regulations 2021**

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*In exercise of the powers conferred on him by section 4(3) of the Climate Change Act 2019, and all other enabling powers, the Minister with responsibility for the Environment and Climate Change has made the following Regulations–*

**Title.**

1. These Regulations may be cited as the Gibraltar Climate Change Committee Regulations 2021.

**Commencement.**

2. These Regulations come into operation on the day of publication.

**Membership.**

3.(1) The Committee shall consist of–

- (a) a person appointed by the Minister to chair the Committee (“the Chair”); and
- (b) not less than five and not more than eight other members appointed by the Minister,

and all appointments shall be made by notice in the Gazette.

(2) In appointing a member, the Minister must have regard to the desirability of securing that the Committee (taken as a whole) has experience in or knowledge of the following–

- (a) business competitiveness;
- (b) climate change policy at national and international level, and in particular the social impacts of such policy;
- (c) climate science, and other branches of environmental science;
- (d) economic analysis and forecasting;
- (e) emissions trading;
- (f) energy production and supply;
- (g) financial investment;
- (h) technology development and diffusion.

(3) Members of the Committee shall hold office for such period and upon such terms as the Minister may deem appropriate.

(4) If the Minister is satisfied that any member of the Committee—

- (a) has been absent from three consecutive meetings of the Committee without reasonable excuse;
- (b) has become bankrupt or has made an arrangement with creditors;
- (c) has been convicted of a criminal offence punishable by a term of imprisonment of 3 months or more;
- (d) is incapacitated by physical or mental illness; or
- (e) is otherwise unable or unfit to discharge the functions of a member,

the Minister may by notice in the Gazette, declare his office as a member of the Committee to be vacant and shall appoint a replacement member at the earliest practicable opportunity.

(5) A member of the Committee who wishes to resign his office shall give one month prior written notice to the Minister.

(6) Any member of the Committee who ceases to be a member shall be eligible for re-appointment.

#### **Powers of the Committee.**

4.(1) The Committee may do anything which is intended to facilitate, or is conducive or incidental to, the discharge of any function conferred on it by or under any Act.

(2) Notwithstanding the generality of subsection (1), or the general powers conferred on the Committee by these Regulations or the Climate Change Act 2019, the Committee has the following powers—

- (a) to make rules for the meetings of the Committee and its business;
- (b) to appoint a secretary and such sub-committees as it considers necessary to carry out its functions, including joint committees with other bodies, and to confer on the sub-committees power and authority to act for the Committee;

- (c) to establish procedures for the recommendation to the Minister of members of the Committee;
- (d) to compile, prepare, print, publish, issue, circulate and distribute such reports, guidance, or other literary material as may be conducive to the attainment of the objects of the Committee or the advancement of its duties.

**Requests for advice.**

5.(1) The Minister may request advice from the Committee in connection with any of the following matters–

- (a) climate change mitigation;
- (b) climate change adaptation;
- (c) carbon budgets;
- (d) Gibraltar emissions from international aviation and shipping;
- (e) trading schemes;
- (f) greenhouse gases;
- (g) waste;
- (h) transport;
- (i) the EU Emissions Trading System.

(2) In making a request under subregulation (1), the Minister shall specify–

- (a) the period of time within which such advice shall be provided;
- (b) the factors to which the Committee is to have regard in giving that advice, which must include the geographical, political, economic and social circumstances of Gibraltar;
- (c) any particular information which is required to be contained in the advice; and
- (d) to whom the advice is to be addressed.

(3) The Committee may, within 5 working days of receipt of a request under subregulation (1), stipulate in writing to the Minister what, if any, additional information is reasonably required in order to provide the advice requested, and if so, the Minister shall provide or procure the information as soon as reasonably practicable.

(4) The Committee shall use its best endeavours to provide the advice requested under this regulation within the period stipulated by the Minister pursuant to subregulation (2)(a), unless it is not reasonably practicable to do so.

(5) The Minister may lay before Parliament any advice received from the Committee pursuant to a request made under this regulation, or publish any such advice in such manner as the Minister considers appropriate.

#### **Meetings and proceedings.**

6.(1) The Committee shall meet at least once in every 6 month period.

(2) Any matters arising at a meeting of the Committee shall be decided by a majority of the members present and, in the case of an equality of votes, the Chair shall have a second or casting vote.

(3) Subject to this regulation 7, the Committee may regulate its own procedure, including deciding on an appropriate quorum, and the procedure and quorum of any sub-committee, as it deems appropriate.

(4) The Committee must publish the minutes of its meetings in such manner as it considers appropriate.

#### **Sub-committee and delegation.**

7.(1) The Committee may establish sub-committees and may arrange for the discharge of any of its duties by a sub-committee.

(2) Any arrangements made by the Committee under this section for the discharge of any of its functions by a sub-committee shall not prevent the Committee from exercising those functions.

#### **No personal liability to attach to members.**

8. No personal liability shall attach to any member of the Committee in respect of anything done or omitted to be done, in good faith, under the provisions of these Regulations or any Act.

**Institutional autonomy.**

9. The Committee and its members shall be free from interference from all external bodies, authorities or agencies in the exercise of its duties and powers conferred by any Act.

**Restriction on execution.**

10. No execution by attachment of property or process in the nature thereof shall be issued against the Committee.

**Immunity from suit.**

11.(1) The Committee, any one or more members of the Committee, and any person to whom the powers of the Committee have been delegated, shall be immune from suit in respect of any act or omission in the performance of the functions conferred on the Committee by these Regulations or any Act unless the act or omission is shown to have been in bad faith.

(2) The Committee shall (unless bad faith is definitively found to have existed) indemnify any of its existing and former members for the costs of defending any action brought by a third party in respect of anything they are alleged to have done or omitted in the discharge or purported discharge of any powers or functions conferred on the Committee or any of its members by these Regulations or any Act.

**Exemption from taxes.**

12. The Committee shall be exempt from the provisions of the Income Tax Act 2010.