

Subsidiary Legislation made under ss.36 & 64.

## **Climate Change (Net Zero Delivery Body) Regulations 2022**

**LN.2022/276**

*Commencement*                      **22.9.2022**

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**2019-29**

**Climate Change**

**2022/276**

**Climate Change (Net Zero Delivery Body) Regulations  
2022**

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*In exercise of the powers conferred upon him under section 36 and section 64 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 Climate Change (Net Zero Delivery Body) Regulations 2022.

**Commencement.**

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

**Interpretation.**

3. In these Regulations—

“Act” means the Climate Change Act 2019;

“Climate Change Duties” has the meaning given in regulation 5(3);

“NZDB” means the Net Zero Delivery Body established under regulation 4;

“Fund” means the Climate Action Fund, within the meaning of the Act;

“national mitigation plan” means the plan made under section 6 of the Act;

“Targets” means the emissions reductions targets set under Part 3 of the Act.

**Net Zero Delivery Body.**

4.(1) There is hereby established a body to be known as the Net Zero Delivery Body which shall consist of the following members-

- (a) the Deputy Chief Minister, who shall be the chairperson;
- (b) the Minister with responsibility for the Environment, who shall be the deputy chairperson;
- (c) the Minister with responsibility for Transport;
- (d) the Chief Technical Officer;

- (e) the Chief Secretary;
- (f) the Financial Secretary;
- (g) the Captain of the Port appointed under section 4 of the Port Act;
- (h) the Chief Executive of the Gibraltar Electricity Authority appointed under the Gibraltar Electricity Authority Act 2003;
- (i) the Public Health Director appointed by the Gibraltar Health Authority under the Public Health Act;
- (j) a representative of the Department for the Environment of the Government, nominated by the Minister with responsibility for the Environment;
- (k) the Collector of Customs, appointed under section 3 of the Imports and Exports Act, 1986;
- (l) the Commissioner of Income Tax, as defined in the Income Tax Act 2010;
- (m) the Competent Authority appointed under regulation 5 of the Procurement (Public Sector Contracts) Regulations 2016, or such person nominated by them;
- (n) the Town Planner, as defined in the Town Planning Act 2018;
- (o) the Government Statistician appointed under section 3 of the Statistics Act;
- (p) the Director of Education appointed under section 7 of the Education and Training Act;
- (q) the Gibraltar Maritime Administrator appointed under section 3 of the Gibraltar Merchant Shipping (Safety, etc.) Act;
- (r) a lawyer nominated by the Attorney General who is employed by the Government.

(2) Alternate members may, from time to time, be appointed to substitute for any of the members of the NZDB and they shall have the same rights and powers as the appointed member they are substituting.

(3) Where an appointment is made under subregulations (1) and (2), or any person ceases to hold such an appointment, notice of the fact shall be published in the Gazette.

(4) A member or alternate member, unless they die, resign, or are removed from office under subregulation (6), shall hold office for a term of four years from the date of appointment and thereafter until their successor comes into office.

(5) An appointed or an alternate member may be re-appointed.

(6) The Chief Minister may remove from office on the grounds of inability, neglect of duty, bankruptcy or misconduct any member of the NZDB.

**Purpose of the NZDB.**

5.(1) The purpose of the NZDB is to provide a forum to allow for a close working relationship of public bodies in order to develop, implement and monitor ways in which in they perform their Climate Change Duties.

(2) All public bodies must in exercising their functions-

- (a) act in the way best calculated to contribute to the delivery of the Targets;
- (b) act in the way best calculated to deliver the national mitigation plan;
- (c) act in the way that is considers most sustainable;
- (d) consider ways in which to raise revenue for the Fund; and
- (e) take into account the urgency of mitigating the impact of climate change.

(3) The duties imposed by subregulation (2) are referred to as Climate Change Duties.

**Duties of the NZDB.**

6.(1) The NZDB shall-

- (a) establish a programme of work to develop and keep under review strategies to achieve the national mitigation plan;
- (b) advocate for the implementation of the national mitigation plan and achievement of the Targets through the creation of a coordinated public engagement campaign;
- (c) monitor progress towards achieving the Targets and objectives of the national mitigation plan;

- (d) be accountable publicly for the achievement of the Targets and delivery and implementation of the national mitigation plan;
- (e) establish liaison and communication between government departments, agencies and authorities as well as other stakeholders;
- (f) determine ways in which to generate revenues for the Fund;
- (g) consider whether any expenditure arising from a decision taken by the NZDB may be capable of being financed from the Fund; and
- (h) perform such other duties or functions in respect of the NZDB's purpose as the Minister with responsibility for the Environment, after consultation with the Chairperson, may direct.

(2) The NZDB may do anything which is intended to facilitate, or is conducive or incidental to the discharge of its duties, including but not limited to-

- (a) making rules for the meetings of the NZDB and its business;
- (b) establishing procedures for the recommendation of members of the NZDB;
- (c) compiling, preparing, printing, publishing, issuing, circulating and distributing such reports, guidance or other literary material as the NZDB sees fit.

**Secretary.**

7.(1) The chairperson of the NZDB shall appoint any public officer or other person to be the secretary of the NZDB.

(2) The secretary may attend meetings of the NZDB but shall not be a member and accordingly may not vote at any meeting.

(3) The secretary shall act under the direction of the chairperson of the NZDB.

**Working Groups.**

8.(1) The NZDB may appoint working groups (which need not include members of the NZDB), and delegate to any such working group, to such extent as the Minister with responsibility for the Environment, after consultation with the Chairperson may approve, any function conferred on the NZDB.

(2) Subject to any directions of the NZDB, a working group appointed under this regulation may regulate its own procedure and fix a quorum for its meetings.

(3) Any working group appointed under this regulation shall report to the secretary at least once every calendar month, and the secretary shall in turn report to the NZDB.

**Procedure.**

9.(1) The NZDB shall meet at least once in every 3 month period.

(2) At all meetings of the NZDB, the chairperson or, in their absence, the deputy chairperson, shall preside.

(3) At any meeting of the NZDB, five members shall form a quorum.

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

(5) Meetings of the NZDB may be undertaken by means of video or tele-conferencing or such other means as may be directed by the chairperson.

(6) Where meetings of the NZDB are undertaken in accordance with subregulation (4) a member taking part in the video or teleconferencing or other means of meeting shall be deemed to be present at the meeting for the purposes of forming a quorum.

(7) Subject to these regulations, the NZDB may regulate its own procedure.

**No personal liability to attach to the NZDB.**

10. No personal liability shall attach to any member of the NZDB in respect of anything done, suffered or omitted to be done in good faith, in pursuance of their duties under the provisions of the Act, these Regulations or any other enactment.

**Reporting.**

11. The chairperson of the NZDB shall annually lay a report of its activities during the previous year before Parliament.