



# Climate Change (Emissions Reduction Targets) (Scotland) Act 2019

## 2019 asp 15

**The Bill for this Act of the Scottish Parliament was passed by the Parliament on 25th September 2019 and received Royal Assent on 31st October 2019**

An Act of the Scottish Parliament to amend the Climate Change (Scotland) Act 2009 to make provision setting targets for the reduction of greenhouse gases emissions and to make provision about advice, plans and reports in relation to those targets, with the objective of Scotland contributing appropriately to the world's efforts to deliver on the Paris Agreement reached at the 21st Conference of the Parties of the United Nations Framework Convention on Climate Change.

### PART 1

#### EMISSIONS REDUCTION TARGETS

##### *The net-zero emissions target*

#### **1 The net-zero emissions target**

Before section 1 of the 2009 Act (and the italic cross heading immediately preceding it), insert—

##### *“The net-zero emissions target*

#### **A1 The net-zero emissions target**

- (1) The Scottish Ministers must ensure that the net Scottish emissions account for the net-zero emissions target year is at least 100% lower than the baseline (the target is known as the “net-zero emissions target”).
- (2) The “net-zero emissions target year” is 2045.
- (3) The Scottish Ministers may by regulations modify subsection (2) so as to substitute for the year for the time being mentioned in that subsection—
  - (a) an earlier year, or

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- (b) a later year if—
  - (i) that later year is consistent with the most up-to-date advice they have received from the relevant body, and
  - (ii) that advice states that the later year is appropriate on the basis of either scientific knowledge about climate change or current international carbon reporting practice (or both).
- (4) In preparing a draft of regulations to be made under subsection (3), the Scottish Ministers must have regard to—
  - (a) the target-setting criteria, and
  - (b) the most up-to-date advice they have received from the relevant body.
- (5) As soon as reasonably practicable after laying for approval a draft of such regulations, the Scottish Ministers must publish a statement setting out—
  - (a) their reasons for proposing to modify the net-zero emissions target year,
  - (b) the extent to which the proposed net-zero emissions target year takes account of the target-setting criteria, and
  - (c) whether the proposed net-zero emissions target year is consistent with the most up-to-date advice they have received from the relevant body and, if it is not, the reasons why.”

**Commencement Information**

**I1** S. 1 in force at 23.3.2020 by S.S.I. 2020/66, reg. 2

*The 2050 and interim targets*

**2 The 2050 target**

Section 1 of the 2009 Act and the italic cross heading immediately preceding it are repealed.

**Commencement Information**

**I2** S. 2 in force at 23.3.2020 by S.S.I. 2020/66, reg. 2

**3 The interim targets**

For section 2 of the 2009 Act, and the italic cross heading immediately preceding it, substitute—

*“The interim targets*

**2 The interim targets**

- (1) The Scottish Ministers must ensure that the net Scottish emissions account for the year—
  - (a) 2020 is at least 56% lower than the baseline,

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- (b) 2030 is at least 75% lower than the baseline, and
- (c) 2040 is at least 90% lower than the baseline.

(2) In this Act, each target set out in subsection (1) is known as an “interim target”.

**Commencement Information**

**I3** S. 3 in force at 23.3.2020 by S.S.I. 2020/66, reg. 2

#### **4 Modification of the interim targets**

After section 2 of the 2009 Act, insert—

**“2A Modification of the interim targets**

- (1) The Scottish Ministers may by regulations modify one or more of the percentage figures applying for the purposes of any of the interim targets, so as to substitute a higher or lower figure for the one for the time being mentioned in section 2(1)(a), (b) or (c).
- (2) But regulations under subsection (1) may not substitute a lower percentage figure for an interim target if that figure is—
  - (a) inconsistent with the most up-to-date advice the Scottish Ministers have received from the relevant body,
  - (b) not, in that advice, stated to be appropriate on the basis of either scientific knowledge about climate change or current international carbon reporting practice (or both),
  - (c) lower than any percentage figure applying, immediately after the regulations come into force, for an interim target for an earlier year, or
  - (d) lower than 100% for a year which is the same as, or later than, the net-zero emissions target year.
- (3) In preparing a draft of regulations to be made under subsection (1), the Scottish Ministers must have regard to—
  - (a) the target-setting criteria, and
  - (b) the most up-to-date advice they have received from the relevant body.
- (4) Subsection (5) applies if—
  - (a) the Scottish Ministers lay before the Scottish Parliament for approval a draft of regulations under section A1(3) which modify the net-zero emissions target year to a year earlier than 2045, and
  - (b) any percentage figure applying for the purposes of any interim target for a year which is the same as or later than the proposed net-zero emissions target year, is lower than 100%.
- (5) The Scottish Ministers must, at the same time as or as soon as reasonably practicable after laying the regulations mentioned in subsection (4)(a), lay before the Scottish Parliament for approval a draft of regulations under subsection (1) which modify to 100% a percentage figure mentioned in subsection (4)(b).

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- (6) As soon as reasonably practicable after laying for approval a draft of regulations to be made under subsection (1), the Scottish Ministers must publish a statement setting out in respect of each proposed modification of a percentage figure by the regulations—
- (a) their reasons for proposing to modify the percentage figure,
  - (b) the extent to which the proposed modification takes account of the target-setting criteria, and
  - (c) whether the proposed modification is consistent with the most up-to-date advice they have received from the relevant body.”.

**Commencement Information**

**I4** S. 4 in force at 23.3.2020 by S.S.I. 2020/66, reg. 2

*The target-setting criteria*

**5 The target-setting criteria**

After section 2A of the 2009 Act (inserted by section 4 of this Act), insert—

*“The target-setting criteria*

**2B The target-setting criteria**

- (1) In this Act, the “target-setting criteria” are—
- (a) the objective of not exceeding the fair and safe Scottish emissions budget,
  - (b) European and international law and policy relating to climate change (including the United Nations Framework Convention on Climate Change and protocols to that Convention),
  - (c) scientific knowledge about climate change,
  - (d) technology relevant to climate change,
  - (e) economic circumstances, in particular the likely impact of the target on—
    - (i) the Scottish economy,
    - (ii) the competitiveness of particular sectors of the Scottish economy,
    - (iii) small and medium-sized enterprises,
    - (iv) jobs and employment opportunities,
  - (f) fiscal circumstances, in particular the likely impact of the target on taxation, public spending and public borrowing,
  - (g) social circumstances, in particular the likely impact of the target on those living in poorer or deprived communities,
  - (h) the likely impact of the target on public health,
  - (i) the likely impact of the target on those living in remote rural communities and island communities,

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- (j) energy policy, in particular the likely impact of the target on energy supplies, the renewable energy sector and the carbon and energy intensity of the Scottish economy,
  - (k) environmental considerations and, in particular, the likely impact of the target on biodiversity,
  - (l) the likely impact of the target on the achievement of sustainable development, including the achievement of the United Nations sustainable development goals,
  - (m) current international carbon reporting practice.
- (2) In this Act, the “fair and safe Scottish emissions budget” is the aggregate amount of net Scottish emissions of greenhouse gases for the period 2010 to 2050 as recommended by the relevant body as being consistent with Scotland, in line with the principles set out in article 3 of the United Nations Framework Convention on Climate Change, contributing appropriately to the holding of the increase in global average temperature to well below 2°C above pre-industrial levels, and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels.
- (3) The Scottish Ministers may by regulations modify subsection (1) and (2) so as to add, remove or vary the description of a target-setting criterion.”.”.

**Commencement Information**

**I5** S. 5 in force at 23.3.2020 by S.S.I. 2020/66, reg. 2

*Advice about targets*

**6 Duty to seek advice from the relevant body**

After section 2B of the 2009 Act (inserted by section 5 of this Act), insert—

*“Advice about targets*

**2C Duty to seek advice from the relevant body**

- (1) The Scottish Ministers must request advice from the relevant body at least once before the expiry of each relevant 5 year period.
- (2) A “relevant 5 year period” means a period of 5 years which begins with—
  - (a) in the case of the first period, the date on which this section comes into force, and
  - (b) in the case of a subsequent period, the date on which the previous request for advice was, or is treated as having been, made under subsection (1).
- (3) A request for advice under subsection (1) must request the relevant body's views as to—
  - (a) whether the net-zero emissions target is achievable and, if so, what is the earliest achievable net-zero emissions target year (with views on both matters taking account of the target-setting criteria),