

CLIMATE CHANGE (SCOTLAND) ACT 2009

EXPLANATORY NOTES

THE ACT

Part 1 – Emissions Reduction Targets

The interim target

9. **Section 2** sets out the 42% interim target for 2020. Subsection (1) defines the obligation on the Scottish Ministers as reducing the net Scottish emissions account by at least 42% by 2020 relative to the defined baseline year. Subsection (3) enables the Scottish Ministers to modify this figure and to replace it with a figure provided by the relevant body as the highest achievable interim target, or with a higher figure.
10. Subsection (4) places a duty on the Scottish Ministers to request advice from the relevant body, currently the UK Committee on Climate Change (UKCCC), as soon as reasonably practicable after Royal Assent. This request must be for advice as to whether the interim target is the highest achievable target and, if not, what the highest achievable interim target is. The factors that must be had regard to in determining what the highest interim target is are set out in subsection (5).
11. Subsection (6) requires the Scottish Ministers to publish the advice requested under subsection (4) no later than 31 December 2009 or as soon as reasonably practicable thereafter.
12. Subsection (7) requires the Scottish Ministers to comply with either of the duties set out in subsection (8) as soon as reasonably practicable after the advice is published. These duties are (a) to lay before the Scottish Parliament a draft of a statutory instrument substituting for the interim target figure specified in subsection (1) the one provided by the relevant body or (b) to make a statement to the Scottish Parliament setting out the reasons why no such draft statutory instrument has been laid.
13. Subsection (9) requires the Scottish Ministers, if an appropriate Community instrument comes into force, to lay before the Scottish Parliament a draft of a statutory instrument containing an appropriate order before the expiry of the appropriate period. The terminology used in subsection (9) is defined in subsections (10), (11) and (12). In this section, an “appropriate Community Instrument” is an instrument of the European Community which amends Decision [406/2009/EC](#) of the European Parliament and of the Council of 23 April 2009 on the efforts of Member States of the European Union to reduce their greenhouse gas emissions. The appropriate Community Instrument must also contain a commitment to reduce, by 2020, European Union greenhouse gas emissions by 30% compared to 1990 levels.
14. In the event that a draft of an appropriate order is not laid before the expiry of the appropriate period, subsection (13) requires the Scottish Ministers to lay the draft as soon as reasonably practicable thereafter.
15. Subsection (14) provides that subsections (9) to (13) cease to apply if, for the time being, the interim target is set at a figure higher than 42%.