



Climate Change (Scotland) Act 2009

2009 asp 12

PART 1

EMISSIONS REDUCTION TARGETS

Annual targets

3 Annual targets

- (1) The Scottish Ministers must—
 - (a) for each year in the period 2010–2050, set a target for the maximum amount of the net Scottish emissions account;
 - (b) ensure that the net Scottish emissions account for each year in that period does not exceed the target set for that year.
- (2) The target—
 - (a) for 2010, must be set at an amount that is less than the estimated net Scottish emissions account for 2009;
 - (b) for each year in the period 2011–2019, must be set at an amount that is consistent with a reduction over that period of net Scottish emissions accounts which would allow the interim target and the 2050 target to be met;
 - (c) for each year in the period 2020–2050, must be set at an amount that is—
 - (i) consistent with a reduction over that period of net Scottish emissions accounts which would allow the 2050 target to be met; and
 - (ii) at least 3% less than the target for the preceding year.
- (3) In this Act—
 - (a) an “annual target” for any year means the target for the maximum amount of the net Scottish emissions account set for that year in accordance with this section and section 4;
 - (b) references to an annual target being met are references to the net Scottish emissions account for a year not exceeding the annual target for that year (and cognate expressions are to be construed accordingly).

4 Setting annual targets

- (1) The Scottish Ministers must, by order, set the annual targets for each year in the periods mentioned in paragraphs (a) to (g) of subsection (2).
- (2) The Scottish Ministers must set the annual targets for each year—
 - (a) in the period 2010–2022, no later than 1 June 2010;
 - (b) in the period 2023–2027, no later than 31 October 2011;
 - (c) in the period 2028–2032, no later than 31 October 2016;
 - (d) in the period 2033–2037, no later than 31 October 2021;
 - (e) in the period 2038–2042, no later than 31 October 2026;
 - (f) in the period 2043–2047, no later than 31 October 2031;
 - (g) in the period 2048–2050, no later than 31 October 2036.
- (3) The Scottish Ministers must, when setting annual targets, have regard to any advice they receive from the relevant body as to the cumulative amount of net Scottish emissions for the period 2010–2050 that is consistent with a reduction over that period of net Scottish emissions accounts which would allow the 2050 target to be met.
- (4) The Scottish Ministers must, when setting annual targets, also have regard to the following matters (the “target-setting criteria”)—
 - (a) the objective of not exceeding the fair and safe Scottish emissions budget;
 - (b) scientific knowledge about climate change;
 - (c) technology relevant to climate change;
 - (d) 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;
 - (e) fiscal circumstances, in particular the likely impact of the target on taxation, public spending and public borrowing;
 - (f) social circumstances, in particular the likely impact of the target on those living in poorer or deprived communities;
 - (g) the likely impact of the target on those living in remote rural communities and island communities;
 - (h) 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;
 - (i) environmental considerations and, in particular, the likely impact of the targets on biodiversity;
 - (j) European and international law and policy relating to climate change.
- (5) If annual targets for a period are not set by the corresponding date mentioned in paragraphs (a) to (g) of subsection (2), the Scottish Ministers must set the annual targets as soon as reasonably practicable afterwards.
- (6) In this Act, the “fair and safe Scottish emissions budget” is the aggregate amount of net Scottish emissions for the period 2010–2050 recommended by the relevant body as being consistent with Scotland contributing appropriately to stabilisation of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

5 Advice before setting annual targets

- (1) The Scottish Ministers must, before laying a draft of a statutory instrument containing an order under section 4(1) before the Scottish Parliament, request advice from the relevant body.
- (2) The request for advice must include requests for the relevant body's views—
 - (a) in the case of annual targets proposed for years in the period 2010–2020, as to whether those targets are consistent with a reduction over that period of net Scottish emissions accounts which would allow the interim target and the 2050 target to be met;
 - (b) in the case of annual targets proposed for years in the period 2021–2050, as to whether those targets are consistent with a reduction over that period of net Scottish emissions accounts which would allow the 2050 target to be met;
 - (c) in any case—
 - (i) as to what annual targets are appropriate by reference to the target-setting criteria;
 - (ii) as to the extent to which the annual targets should be met—
 - (A) by taking action to reduce net Scottish emissions;
 - (B) by the use of carbon units that in accordance with section 13(2) and regulations under section 13(5) may be credited to the net Scottish emissions account;
 - (iii) as to the respective contributions towards meeting the annual targets and the domestic effort target that should be made—
 - (A) by the traded sector of the Scottish economy;
 - (B) by the other sectors of the Scottish economy;
 - (iv) as to the respective contributions towards meeting the annual targets and the domestic effort target that should be made by—
 - (A) energy efficiency;
 - (B) energy generation;
 - (C) land use;
 - (D) transport.
- (3) The Scottish Ministers must publish the advice requested under subsection (1) as soon as reasonably practicable after they receive it.
- (4) As soon as reasonably practicable after laying such a draft, the Scottish Ministers must publish a statement setting out in respect of the annual targets set by the order—
 - (a) the reasons for setting those annual targets at those levels;
 - (b) the extent to which those targets take account of the target-setting criteria.
- (5) If the order under section 4(1) makes provision different from that recommended by the relevant body, the Scottish Ministers must publish a statement setting out the reasons why.
- (6) Advice requested under subsection (1) or a statement under subsection (4) or (5) may be published in such manner as the Scottish Ministers consider appropriate.
- (7) In this Part, the “relevant body” means—
 - (a) where no order has been made under section 24(1) designating a person or body as the advisory body, the UK Committee on Climate Change; or
 - (b) where such an order has been made, the advisory body.

- (8) In subsection (7)(a), the “UK Committee on Climate Change” means the Committee on Climate Change established under section 32 of the Climate Change Act 2008 (c. 27) (the “2008 Act”).
- (9) In this section, “traded sector” means the sectors of the Scottish economy which are covered by trading schemes within the meaning of section 44 of the 2008 Act.

6 Modifying annual targets etc.

- (1) The Scottish Ministers may, by order, modify—
 - (a) the percentage figure mentioned in section 3(2)(c)(ii);
 - (b) an annual target set by virtue of section 4(1);
 - (c) any date mentioned in paragraphs (a) to (g) of section 4(2);
 - (d) the target-setting criteria in section 4(4).
- (2) The Scottish Ministers must, at the same time as laying a draft of a statutory instrument containing an order under subsection (1)(a) before the Scottish Parliament, lay before the Parliament a report explaining why the modification is being proposed.
- (3) The Scottish Ministers must, as soon as reasonably practicable after laying a report before the Scottish Parliament under subsection (2), and in so far as reasonably practicable, make a statement to the Parliament relating to the report.
- (4) The Scottish Ministers may make an order under subsection (1)(a) only if they consider that it is no longer necessary for annual targets to be set by reference to that percentage figure.
- (5) The Scottish Ministers may make an order under subsection (1)(b) only if they consider that it is appropriate to do so as a result of—
 - (a) a modification of the interim target; or
 - (b) another significant change to the basis on which the annual target was set.
- (6) The Scottish Ministers may make an order under subsection (1)(c) or (d) only if they consider it appropriate to do so.
- (7) The power in subsection (1)(a) may not be exercised so as to substitute a percentage of less than zero.
- (8) The power in subsection (1)(b)—
 - (a) may be exercised only before the beginning of the year to which the target relates;
 - (b) may not be exercised if the effect of doing so would be that the target for the year would be greater than the target for the preceding year.

7 Advice before modifying annual targets etc.

- (1) The Scottish Ministers must, before laying a draft of a statutory instrument containing an order under section 6(1) before the Scottish Parliament, request advice from the relevant body.
- (2) If the order under section 6(1) makes provision different from that recommended by the relevant body, the Scottish Ministers must lay before the Scottish Parliament a report setting out the reasons why.

- (3) The Scottish Ministers must, as soon as reasonably practicable after laying a report before the Scottish Parliament under subsection (2), and in so far as reasonably practicable, make a statement to the Parliament relating to the report.