



# Climate Change (Scotland) Act 2009

## 2009 asp 12

### PART 3

#### REPORTING DUTIES

#### **33 Reports on annual targets**

- (1) The Scottish Ministers must lay before the Scottish Parliament a report in respect of each year in the period 2010–2050 for which an annual target has been set (a “target year”).
- (2) The report must state whether the annual target for the target year has been met.
- (3) If the annual target has not been met, the report must explain why.
- (4) The report must also state whether the domestic effort target has been met in the target year to which the report relates.
- (5) If the domestic effort target has not been met, the report must explain why.
- (6) The report must also contain the information mentioned in section 34.
- (7) The report under this section must be laid before the Parliament no later than 31 October in the second year after the target year.

#### **34 Reports on annual targets: content**

- (1) In respect of each greenhouse gas, the report must—
  - (a) state the amount of net Scottish emissions for the baseline year;
  - (b) state the amount of net Scottish emissions for the target year;
  - (c) state whether the amount of net Scottish emissions represents an increase or decrease compared to the equivalent amount for the previous target year;
  - (d) identify the methods used to measure or calculate the amount of net Scottish emissions (including in particular any change to those methods).
- (2) The report must also set out the aggregate amount for the target year of net Scottish emissions.
- (3) The report must also—

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*Status: This is the original version (as it was originally enacted).*

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- (a) state the amount of the net Scottish emissions account for the target year;
  - (b) state the proportion of the reduction in the net Scottish emissions account which is accounted for by reductions in net Scottish emissions;
  - (c) state the total amount of carbon units—
    - (i) that have been credited to or debited from the net Scottish emissions account for the target year;
    - (ii) that have been purchased in the target year;
    - (iii) that have been held and not surrendered in the target year;
  - (d) give details of the number and type of those carbon units.
- (4) The report must also—
- (a) state the amount of Scottish gross electricity consumption for the target year;
  - (b) state the amount of Scottish electricity generation for the target year;
  - (c) state the average greenhouse gas emissions per megawatt hour of electricity generated in Scotland in the target year;
  - (d) state the average greenhouse gas emissions per megawatt hour, and the estimated lifetime cumulative emissions, of any new electricity generation capacity greater than 50 megawatts approved in Scotland in the target year.
- (5) The report for each year in the period 2011–2050 must—
- (a) state the amount of the net Scottish emissions account for each preceding target year;
  - (b) state the cumulative amount of the net Scottish emissions account for the target year and all preceding target years.
- (6) If the method of measuring or calculating net Scottish emissions changes and that change is such as to require adjustment of an amount for an earlier target year, the report must specify the adjustment required and state the adjusted amount.
- (7) An adjustment under subsection (6) must, in so far as reasonably practicable, be made in accordance with international carbon reporting practice.
- (8) If an amount mentioned in subsection (3)(a) or subsection (5)(a) or (b) for an earlier period requires to be adjusted, the report must—
- (a) explain why the adjustment is required;
  - (b) specify the adjustment required; and
  - (c) state the adjusted amount.
- (9) The report may contain such other information as the Scottish Ministers consider appropriate and, in particular, may state the amount of Scottish electricity generation from each source for the target year.

### **35 Reports on proposals and policies for meeting annual targets**

- (1) As soon as reasonably practicable after making an order under section 4(1) setting annual targets, the Scottish Ministers must lay before the Scottish Parliament a report containing the following information.
- (2) The Scottish Ministers must, before laying a report under this section before the Scottish Parliament, lay a draft of the report before the Parliament.
- (3) The Scottish Ministers may not lay the report before the expiry of the period for Parliamentary consideration.

- (4) In subsection (3), the “period for Parliamentary consideration” means the period of 60 days, of which no fewer than 30 must be days on which the Parliament is not dissolved or in recess.
- (5) The Scottish Ministers must, before laying the report before the Parliament, have regard to—
  - (a) any representations on the draft report made to them;
  - (b) any resolution relating to the draft report passed by the Parliament; and
  - (c) any report relating to the draft report published by any committee of the Parliament for the time being appointed by virtue of standing orders.
- (6) The Scottish Ministers must, when laying the report before the Parliament, lay a statement setting out—
  - (a) details of any representations, resolutions or reports mentioned in subsection (5);
  - (b) the changes (if any) they have made to the report in response to such representations, resolutions or reports and the reasons for those changes.
- (7) The Scottish Ministers must, as soon as reasonably practicable after laying a report under this section, and in so far as reasonably practicable, make a statement to the Parliament relating to the report.
- (8) The report must, in particular, set out—
  - (a) the Scottish Ministers' proposals and policies for meeting the annual targets;
  - (b) how those proposals and policies are expected to contribute towards the achievement of the interim target, the 2050 target and, in each target year, the domestic effort target;
  - (c) the timescales over which those proposals and policies are expected to take effect.
- (9) The report must also set out the Scottish Ministers' proposals and policies regarding the respective contributions towards meeting the annual targets that should be made by—
  - (a) energy efficiency;
  - (b) energy generation;
  - (c) land use;
  - (d) transport.
- (10) The report must also explain how the proposals and policies set out in the report are expected to affect different sectors of the Scottish economy.
- (11) The second and each subsequent report under this section—
  - (a) must contain an assessment of the progress towards implementing proposals and policies set out in earlier reports;
  - (b) may make such adjustments to those proposals and policies as the Scottish Ministers consider appropriate.

### **36 Reports on proposals and policies where annual targets not met**

- (1) This section—
  - (a) applies if the Scottish Ministers lay a report under section 33 which states that an annual target has not been met or that the domestic effort target has not been met in the target year to which the report relates;

(b) does not apply if that report relates to the annual target for 2050.

- (2) As soon as reasonably practicable after the report referred to in subsection (1)(a) has been laid, the Scottish Ministers must lay a report before the Scottish Parliament setting out proposals and policies to compensate in future years for the excess emissions.

**37 Reports on emissions attributable to Scottish consumption of goods and services**

- (1) The Scottish Ministers must lay before the Scottish Parliament a report in respect of each year in the period 2010–2050 containing the following information.
- (2) The report must, in so far as reasonably practicable, set out the emissions of greenhouse gases (whether in Scotland or elsewhere) which are produced by or otherwise associated with the consumption and use of goods and services in Scotland during that year.
- (3) The report may also contain such other information as the Scottish Ministers consider appropriate.

**38 Reports on impact on emissions of exercise of electricity generation related functions**

- (1) The Scottish Ministers must lay before the Scottish Parliament a report in respect of each year in the period 2010–2050 containing the following information.
- (2) The report must, in so far as reasonably practicable, set out the impact on net Scottish emissions during that year resulting from the exercise by the Scottish Ministers of the functions conferred on them by virtue of any enactment relating to electricity generation.

**39 Report on progress towards meeting the interim target**

- (1) The Scottish Ministers must, no later than 31 December 2015, lay before the Scottish Parliament a report on progress towards meeting the interim target.
- (2) The report must, in particular, state the progress that has been made in reducing net Scottish emissions and indicate whether this progress is consistent with a reduction over the period 2010–2020 of net Scottish emissions accounts which would allow the interim target and the 2050 target to be met.

**40 Report on the interim target**

- (1) The Scottish Ministers must lay before the Scottish Parliament a report containing the following information in respect of the year 2020.
- (2) The report must state whether the interim target has been met.
- (3) If the interim target has not been met, the report must explain why.
- (4) In respect of each greenhouse gas, the report must state the amount of net Scottish emissions for 2020.
- (5) The report must also—

- (a) state the amount of the net Scottish emissions account for 2020;
  - (b) state the cumulative amount of the net Scottish emissions account for the period 2010–2020;
  - (c) state the total amount of carbon units—
    - (i) that have been credited to or debited from the net Scottish emissions account for 2020;
    - (ii) that have been purchased in 2020;
    - (iii) that have been held and not surrendered in 2020;
  - (d) give details of the number and type of those carbon units.
- (6) In subsections (4) and (5), the amount means the amount set out in the report for 2020 made under section 33.
- (7) The report may contain such other information as the Scottish Ministers consider appropriate.
- (8) The report under this section must be laid before the Parliament no later than 31 October 2022.

#### **41 Report on the 2050 target**

- (1) The Scottish Ministers must lay before the Scottish Parliament a report containing the following information in respect of the year 2050.
- (2) The report must state whether the 2050 target has been met.
- (3) If the 2050 target has not been met, the report must explain why.
- (4) In respect of each greenhouse gas, the report must state the amount of net Scottish emissions for 2050.
- (5) The report must also—
  - (a) state the amount of the net Scottish emissions account for 2050;
  - (b) state the cumulative amount of the net Scottish emissions account for the period 2010–2050;
  - (c) state the total amount of carbon units—
    - (i) that have been credited to or debited from the net Scottish emissions account for 2050;
    - (ii) that have been purchased in 2050;
    - (iii) that have been held and not surrendered in 2050;
  - (d) give details of the number and type of those carbon units.
- (6) In subsections (4) and (5), the amount means the amount set out in the report for 2050 made under section 33.
- (7) The report may contain such other information as the Scottish Ministers consider appropriate.
- (8) The report under this section must be laid before the Parliament no later than 31 October 2052.

**42 Reports: provision of further information to the Scottish Parliament**

- (1) Where the Scottish Ministers lay a report mentioned in subsection (2) before the Scottish Parliament, they must—
  - (a) immediately send a copy of the report to the persons who convene and chair such committees of the Scottish Parliament as are for the time being appointed by virtue of standing orders; and
  - (b) as soon as reasonably practicable after doing so, and in so far as reasonably practicable, make a statement to the Parliament relating to the report.
- (2) Those reports are reports under—
  - (a) section 33(1) (report on annual target);
  - (b) section 36(2) (report on proposals and policies to compensate for excess emissions);
  - (c) section 40(1) (report on interim target);
  - (d) section 41(1) (report on 2050 target).
- (3) Where the Scottish Ministers lay a report referred to in subsection (2)(a), they must also, as soon as reasonably practicable after doing so, and in so far as reasonably practicable, attend, if invited, the proceedings of any such committees of the Scottish Parliament as are for the time being appointed by virtue of standing orders, for the purposes of giving evidence on the report.
- (4) The Scottish Ministers must have regard to—
  - (a) any resolution passed by the Scottish Parliament;
  - (b) any report published by any committee of the Parliament for the time being appointed by virtue of standing orders,relating to the content of any report referred to in subsection (2).

**43 Further provision about reporting duties**

- (1) The Scottish Ministers may, if they consider it appropriate to do so, by order, make further provision imposing duties on themselves to report to the Scottish Parliament.
- (2) An order under subsection (1) may in particular—
  - (a) provide for the information to be provided under the duties;
  - (b) provide for the period in relation to which that information is to be provided;
  - (c) provide for the period within which that information is to be provided.