



Climate Change (Scotland) Act 2009

2009 asp 12

PART 1

EMISSIONS REDUCTION TARGETS

Annual targets

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—

Status: Point in time view as at 31/10/2009. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Climate Change (Scotland) Act 2009, Section 5. (See end of Document for details)

- (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.

Commencement Information

II S. 5 in force at 31.10.2009 by [S.S.I. 2009/341](#), [art. 2\(2\)\(a\)](#)

Status:

Point in time view as at 31/10/2009. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Climate Change (Scotland) Act 2009, Section 5.