



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

2019 asp 15

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
 - (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).

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- (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.”

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Section 1 of the 2009 Act and the italic cross heading immediately preceding it are repealed.

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,
 - (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”.”

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).

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- (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).
- (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.”.

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,
 - (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.”.”.

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),
 - (b) whether the percentage figure applying for the purposes of each interim target not yet reported on under section 33 is appropriate by reference to the target-setting criteria (and if not, advice as to any alternative percentage figure that would be appropriate),
 - (c) whether the fair and safe Scottish emissions budget is appropriate, and request that, if not, the body makes a fresh recommendation for the purpose of the budget,
 - (d) the estimated contribution of the net-zero emissions target and the interim targets towards global efforts to limit the global average temperature increase to 1.5°C above pre-industrial levels,
 - (e) the extent to which each relevant target should be met by—
 - (i) taking action to reduce net Scottish emissions of greenhouse gases, and
 - (ii) the crediting of carbon units to the net Scottish emissions account in accordance with regulations under section 13(5),
 - (f) the respective contributions towards meeting each relevant target that should be made by—
 - (i) the sectors of the Scottish economy which are covered by trading schemes within the meaning of section 44 of the 2008 Act, and
 - (ii) the other sectors of the Scottish economy,
 - (g) the respective contributions towards meeting each relevant target that should be made by each of the sectors mentioned in section 35(3),
 - (h) whether the multiplier to reflect the direct and indirect non-carbon dioxide climate change impacts of emissions at altitude from

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international aviation which applies for each greenhouse gas by virtue of section 16(3) is appropriate (and if not, advice as to any alternative multiplier that would be appropriate).

- (4) A “relevant target” is—
- (a) an annual target for a year within the period of 15 years beginning with the year immediately following the year in which a request is made under subsection (1),
 - (b) an interim target for a year within that 15 year period, and
 - (c) the net-zero emissions target, if the net-zero emissions target year is within that 15 year period.
- (5) A request for advice under subsection (1) may request the relevant body’s views as to any other matter which the Scottish Ministers consider relevant for the purposes of this Part.”.

7 Power to seek additional advice

After section 2C of the 2009 Act (inserted by section 6 of this Act), insert—

“2D Power to seek additional advice

- (1) The Scottish Ministers may request advice from the relevant body at any time on—
- (a) a matter mentioned in section 2C(3),
 - (b) any other matter which they consider relevant for the purposes of this Part.
- (2) But any request for advice under subsection (1) on all of the matters mentioned in section 2C(3) is to be treated as having been made under section 2C(1).”.

8 Ministerial duties following request for advice

After section 2D of the 2009 Act (inserted by section 7 of this Act), insert—

“2E Ministerial duties following request for advice

- (1) The Scottish Ministers must publish any advice received in response to a request under section 2C(1) or 2D(1) as soon as reasonably practicable after they receive it.
- (2) Subsection (3) applies if—
- (a) the relevant body’s advice states that a particular year is the earliest achievable year for the net-zero emissions target, and
 - (b) that year is not already the net-zero emissions target year.
- (3) The Scottish Ministers must—
- (a) within 3 months of receiving that advice publish a statement setting out how they intend to respond to that advice, and
 - (b) if they do not, within 12 months of receiving that advice, lay for approval a draft of regulations under section A1(3) which modify the

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net-zero emissions target year to that year, make a statement to the Scottish Parliament setting out the reasons for not doing so.

- (4) Subsection (5) applies if the relevant body’s advice states that a percentage figure for an interim target applying when the request is made is not appropriate and that another figure would be appropriate.
- (5) The Scottish Ministers must—
 - (a) within 3 months of receiving that advice publish a statement setting out how they intend to respond to that advice, and
 - (b) if they do not, within 12 months of receiving that advice, lay for approval a draft of regulations under section 2A(1) to make the advised modification to that percentage figure, make a statement to the Scottish Parliament setting out the reasons for not doing so.
- (6) Subsection (7) applies if—
 - (a) the relevant body’s advice states that, for a greenhouse gas, the multiplier figure reflecting the direct and indirect non-carbon dioxide climate change impacts of emissions at altitude from international aviation applying when the request is made is not appropriate and that another figure would be appropriate, and
 - (b) the Scottish Ministers do not, within 12 months of receiving that advice, lay for approval a draft order under section 16(1) amending the multiplier to that figure.
- (7) The Scottish Ministers must publish a statement setting out the reasons for not laying for approval a draft order under section 16(1) making the advised modification to that multiplier figure.”.

Citizens assembly

9 Citizens assembly

After section 32 of the 2009 Act insert—

“PART 2A

CITIZENS ASSEMBLY

32A Citizens assembly

- (1) The Scottish Ministers must establish a panel to be known as a “citizens assembly” to exercise the functions mentioned in subsection (5).
- (2) The citizens assembly is a panel made up of such persons as the Scottish Ministers consider to be representative of the general populace of Scotland.
- (3) The citizens assembly is to have two conveners who are independent of the Scottish Ministers and the Scottish Parliament.
- (4) There is to be a gender balance between the conveners.
- (5) The functions conferred on the citizens assembly are to—

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- (a) consider how to prevent or minimise, or remedy or mitigate the effects of, climate change,
 - (b) make recommendations on measures proposed to achieve the emissions reduction targets,
 - (c) make recommendations about such other matters in relation to climate change as the Scottish Ministers may, in accordance with subsection (6), refer to the assembly.
- (6) The Scottish Ministers may refer matters to the citizens assembly under subsection (5)(c) only if those matters have been approved by resolution of the Scottish Parliament.
- (7) The Scottish Ministers must, before the first meeting of the citizens assembly, lay before the Scottish Parliament a report on the arrangements for the administration and operation of the assembly.
- (8) The citizens assembly is to—
- (a) set out its recommendations in a report,
 - (b) lay the report before the Scottish Parliament, and
 - (c) send a copy of the report to the Scottish Ministers.
- (9) The Scottish Ministers must, within 6 months of receiving a copy of the report, publish a statement setting out how they intend to respond to the recommendations made in it.
- (10) The citizens assembly is to—
- (a) lay its report before the Scottish Parliament under subsection (8)(b) by 28 February 2021,
 - (b) complete its consideration of the matters mentioned in subsection (5) (a) by that date.”.

Annual targets

10 Annual targets: 2021 to year before net-zero year

For section 3 of the 2009 Act, substitute—

“3 Annual targets: 2021 to year before net-zero year

- (1) The Scottish Ministers must ensure that the net Scottish emissions account is at least the relevant target figure lower than the baseline for each year in the period—
- (a) beginning with 2021 and ending with 2029 (the “2021-2029 period”),
 - (b) beginning with 2031 and ending with 2039 (the “2031-2039 period”), and
 - (c) beginning with 2041 and ending with the year which immediately precedes any net-zero emissions target year after 2041 (the “final annual target period”).
- (2) The relevant target figure for each year in the 2021-2029 period is a percentage figure calculated by—

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- (a) taking the difference between the percentage figures applying for the purposes of the interim targets for 2020 and 2030, and
 - (b) apportioning that difference in a way which results in there being an equal percentage point change between the percentage figure for each consecutive year in the period beginning with 2020 and ending with 2030.
- (3) The relevant target figure for each year in the 2031-2039 period is a percentage figure calculated by—
 - (a) taking the difference between the percentage figures applying for the purposes of the interim targets for 2030 and 2040, and
 - (b) apportioning that difference in a way which results in there being an equal percentage point change between the percentage figure for each consecutive year in the period beginning with 2030 and ending with 2040.
- (4) The relevant target figure for each year in the final annual target period is a percentage figure calculated by—
 - (a) taking the difference between the percentage figure applying for the purposes of the interim target for 2040 and 100%, and
 - (b) apportioning that difference in a way which results in there being an equal percentage point change between the percentage figure for each consecutive year in the period beginning with 2040 and ending with the net-zero emissions target year.
- (5) In calculating or recalculating a relevant percentage figure by virtue of this section or section 3A or 3B, the figure must be rounded to one decimal place, with numbers at the midpoint or greater being rounded up and other numbers being rounded down.
- (6) In this Act, each target set by virtue of this section (or recalculated in accordance with section 3A or 3B) is known as an “annual target”.

3A Annual targets: recalculation if net-zero emissions target year is in certain periods

- (1) Subsection (2) applies where regulations made under section A1(3) modify the net-zero emissions target year to a year which is in either—
 - (a) the 2021-2029 period, or
 - (b) the 2031-2039 period.
- (2) The relevant target figure applying by virtue of section 3 for a year which is—
 - (a) in the same period as the net-zero emissions target year but before the net-zero emissions target year, is modified in accordance with subsection (4),
 - (b) the same as, or after, the net-zero emissions target year, is modified to become 100%.
- (3) Where regulations made under section A1(3) modify the net-zero emissions target year to a year which is after 2041, the relevant target figure applying by virtue of section 3 for a year which is before the net-zero emissions target year (as set by those regulations) is modified in accordance with subsection (4).

- (4) Where this subsection applies to a relevant target figure, that figure is modified to become a percentage figure calculated by—
- (a) taking the difference between—
 - (i) the target figure applying for the interim target which immediately precedes the net-zero emissions target year, and
 - (ii) 100%, and
 - (b) apportioning that difference in a way which results in there being an equal percentage point change between the percentage figure for each consecutive year in the period beginning with the year of the interim target which immediately precedes the net-zero emissions target year and ending with the net-zero emissions target year.
- (5) Any modification under this section does not apply to a year which is the same as, or earlier than, the year in which the regulations under section A1(3) come into force.

3B Annual targets: further rules on recalculation

- (1) This section applies where the Scottish Ministers make regulations under either of the following—
- (a) section A1(3),
 - (b) section 2A(1) modifying one or more of the percentage figures applying for the purposes of any interim target.
- (2) An annual target in relation to a year which is subsequent to the year in which the regulations mentioned in subsection (1) come into force is to be recalculated under section 3 and, where applicable, modified under section 3A in accordance with the figures applying immediately after those regulations come into force.
- (3) But an annual target in relation to a year which is the same as, or earlier than, the year in which the regulations mentioned in subsection (1) come into force is not to be recalculated or modified, except where subsection (4) applies.
- (4) This subsection applies where, at the same time as or as soon as reasonably practicable after laying for approval a draft of regulations mentioned in subsection (1), the Scottish Ministers publish a statement that the regulations are in response to, and consistent with, the most up-to-date advice they have received from the relevant body advising that targets should be modified for the sole reason of a change in international carbon reporting practice.
- (5) Where subsection (4) applies, an annual target in respect of a year for which the Scottish Ministers have not yet reported on under section 33 is also to be recalculated in accordance with subsection (2) for the purposes of assessing and reporting in accordance with section 33.”.

11 Annual targets: 2018 and 2019

- (1) For the purposes of assessing and reporting in accordance with section 33 of the 2009 Act, each of 2018 and 2019 is to be taken as a target year with a target of the Scottish Ministers ensuring that the net Scottish emissions account—
- (a) for 2018, is at least 54.0% lower than the baseline, and
 - (b) for 2019, is at least 55.0% lower than the baseline.

- (2) The Scottish Ministers may by regulations subject to the affirmative procedure modify one or more of the percentage figures applying for the purposes of a year mentioned in subsection (1).
- (3) But a draft of regulations to be laid for approval under subsection (2) may propose the modification of a percentage figure only if—
 - (a) the Scottish Ministers have, at the same time as or before laying for approval the draft of those regulations, laid before the Scottish Parliament for approval a draft of regulations under section 2A(1) of the 2009 Act proposing to modify the percentage figure applying for the purposes of the interim target for 2020,
 - (b) the figure proposed to be modified is in respect of a year in relation to which the Scottish Ministers have not yet reported on under section 33 of the 2009 Act, and
 - (c) the Scottish Ministers have, before laying for approval a draft of the regulations, had regard to the most up-to-date advice they have received from the relevant body about the figure proposed to be modified.

12 Revocation of previous annual targets

The following Orders are revoked—

- (a) the Climate Change (Annual Targets) (Scotland) Order 2010 ([S.S.I. 2010/359](#)),
- (b) the Climate Change (Annual Targets) (Scotland) Order 2011 ([S.S.I. 2011/353](#)),
- (c) the Climate Change (Annual Targets) (Scotland) Order 2016 ([S.S.I. 2016/328](#)).

Publication of targets

13 Publication of targets

After section 3B of the 2009 Act (inserted by section 10 of this Act), insert—

“Information about targets

3C Publication of targets

- (1) The Scottish Ministers must keep and maintain a list of the following—
 - (a) the net-zero emissions target year,
 - (b) the percentage figure for each interim target,
 - (c) the percentage figure for each annual target (including any such figure recalculated and, where applicable, modified under this Part),
 - (d) the percentage figure for each of the years 2018 and 2019, as set out in section 11 of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.
- (2) The Scottish Ministers may remove from the list any entry in respect of a year in relation to which the Scottish Ministers have reported on under section 33.
- (3) The Scottish Ministers must lay a copy of the list before the Scottish Parliament—
 - (a) in the case of the first list, as soon as reasonably practicable after it has been compiled, and

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- (b) in any other case, as soon as reasonably practicable after the net-zero emissions target year or a percentage figure mentioned in subsection (1) has been modified.
- (4) The Scottish Ministers must publish, in such manner as they consider appropriate, the information contained in the list mentioned in subsection (1).”.