

# CLIMATE CHANGE (SCOTLAND) ACT 2009

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## EXPLANATORY NOTES

### THE ACT

#### Part 3 – Reporting Duties

69. The Act requires that the Scottish Ministers report regularly to the Scottish Parliament on Scotland’s emissions and on the progress being made towards the emissions reduction targets set by the Act.

#### Reports on annual targets

70. [Section 33](#) requires the Scottish Ministers to lay annual reports before the Scottish Parliament in respect of each year from 2010 to 2050. Subsections (2) to (6) specify information that the annual report must contain. This includes whether the annual target and domestic effort target have been met, and if they have not, the report must explain why. Subsection (7) requires the annual report to be laid before the Scottish Parliament no later than 31 October in the second year after that to which the annual target discussed in the report relates.

#### Reports on annual targets: content

71. [Section 34](#) specifies further information that must be contained in each annual target report. Subsection (3) requires that the report must state, among other things, the proportion of the reduction in the net Scottish emissions account which is accounted for by reductions in net Scottish emissions. Subsection (4) requires the report to include information on electricity consumption and generation, the average greenhouse gas emissions per megawatt hour of electricity generated, and the average greenhouse gas emissions per megawatt hour, and the estimated lifetime cumulative emissions, of any new electricity generation capacity greater than 50 megawatts. Subsection (5) requires that the report for each year in the period 2011 to 2050 must state the amount of the net Scottish emissions account for each preceding target year, and the cumulative amount of the net Scottish emissions account for the target year and all preceding target years.
72. Subsections (7) and (8) make provision regarding the adjustment of previously reported information, including specific reporting that must be made in the event of such an adjustment.

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

73. Subsection (1) of section 35 requires the Scottish Ministers to lay before the Scottish Parliament a report as soon as reasonably practicable after making an order under section 4 setting annual targets. That report must contain the information set out in subsections (8) to (11).
74. Subsection (2) requires the Scottish Ministers to lay a draft of the report before Parliament before laying the actual report. By virtue of subsections (3) and (4) the actual report may not be laid until the expiry of a 60-day “period for Parliamentary

consideration". Of those 60 days no fewer than 30 must be days on which the Parliament is not dissolved or in recess.

75. Subsection (5) requires the Scottish Ministers, before laying the report, to have regard to any representations on the draft report made to them, any resolution passed by Parliament relating to the draft report, and any report relating to the draft report published by any parliamentary committee. Subsection (6) provides that the Scottish Ministers, when laying the actual report, must also lay a statement setting out details of the representations etc. that were made in respect of the draft and any changes that were made in response to these, including the reasons for those changes.
76. Subsection (8) requires this report to set out the Scottish Ministers' proposals and policies intended to meet the annual targets, and their timescales, with an explanation of how these are expected to contribute towards the delivery of the interim target, the 2050 target, and in each target year, the domestic effort target. Subsection (9) requires that the report must, in particular, detail proposals and policies regarding the respective contributions to meeting the annual targets that should be made by (a) energy efficiency, (b) energy generation, (c) land use, and (d) transport. Subsection (10) requires the report to explain how the proposals and policies are expected to affect the different sectors of the Scottish economy. Subsection (11) requires the second and each subsequent report to provide an assessment of progress towards implementation of the policies and proposals in earlier reports, and make any adjustments to those proposals and policies which are considered appropriate.

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

77. If the annual report indicates that the annual target or domestic effort target has not been met, section 36 requires the Scottish Ministers to lay a report before the Scottish Parliament, which sets out proposals and policies to compensate in future years for the excess emissions.

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

78. [Section 37](#) requires the Scottish Ministers to lay a report before the Scottish Parliament in respect of each year in the period from 2010 to 2050 setting out, in so far as reasonably practicable, the emissions of greenhouse gases, whether in Scotland or elsewhere, which are produced by or associated with the consumption and use of goods and services in Scotland during that year. The report can also contain other information the Scottish Ministers think appropriate.

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

79. [Section 38](#) requires the Scottish Ministers to lay a report before the Scottish Parliament in respect of each year in the period from 2010 to 2050 setting out, in so far as reasonably practicable, the impact on net Scottish emissions resulting from the exercise by the Scottish Ministers of any of their statutory functions relating to energy generation.

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

80. [Section 39](#) requires the Scottish Ministers, no later than 31 December 2015, to lay before the Scottish Parliament a report on progress towards meeting the interim target. The report must, in particular, indicate whether progress in reducing net Scottish emissions is in line with a reduction over the period 2010 to 2020 which would allow the interim and 2050 targets to be met.

### **Report on the interim target**

81. [Section 40](#) requires the Scottish Ministers to lay a report before the Scottish Parliament in respect of the interim target for the year 2020. Subsections (2) to (8) determine what the report must contain and its timescale for laying.

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

82. [Section 41](#) requires the Scottish Ministers to lay a report before the Scottish Parliament in respect of the 2050 target. Subsections (2) to (8) determine what the report must contain and its timescale for laying.

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

83. Subsections (1) and (2) of section 42 provide that where the Scottish Ministers lay various reports before the Scottish Parliament relating to annual targets, proposals and policies to compensate for excess emissions, the interim target and the 2050 target, they must immediately send a copy of the report to the persons who convene Scottish Parliament committees and, as soon as reasonably practicable, make a statement on the report to the Scottish Parliament. Subsection (3) requires that in terms of the report on the annual target, the Scottish Ministers must attend, if invited, Scottish Parliament committees to give evidence on the report. All of these duties apply only as far as is reasonably practicable. Subsection (4) requires the Scottish Ministers to have regard to any resolution passed by the Scottish Parliament or report made by a parliamentary committee relating to the content of any report mentioned in subsection (2).

### **Further provision about reporting duties**

84. [Section 43](#) enables the Scottish Ministers to impose new duties on themselves, by order, to report to the Scottish Parliament if they consider it appropriate to do so. Subsection (2) sets out further provision which may also be made by such an order.