

CLIMATE CHANGE (SCOTLAND) ACT 2009

EXPLANATORY NOTES

THE ACT

Part 5 – Other Climate Change Provisions Chapter 1 – Adaptation

Adaptation programmes

96. **Section 53** applies where the Secretary of State lays a report under section 56 of the UK Climate Change Act 2008 before the UK Parliament on the impact of climate change on the United Kingdom. Where such a report is laid, under subsection (2) the Scottish Ministers must lay a programme before the Scottish Parliament. This programme must set out the Scottish Ministers' objectives in relation to adaptation to climate change, their proposals and policies for meeting those objectives, including the timescales within which the proposals and policies will be introduced and otherwise address the risks identified for Scotland in the Secretary of State's report. It must also outline arrangements to ensure engagement with stakeholders in delivering the programme, specifically with employers and trade unions and what mechanisms will be used to ensure the public is engaged in meeting the objectives. Subsection (3) requires the Scottish Ministers' programme, where it is a programme being laid following upon a subsequent report by the Secretary of State within the terms of section 56(3) of the 2008 Act, to also contain an assessment of progress made under the previous programme.
97. **Section 54** requires the Scottish Ministers to lay before the Scottish Parliament reports setting out their assessment of progress made towards implementing the objectives, proposals and policies set out in the section 53 programme. It also specifies timescales for when such reports have to be laid.
98. **Section 55** applies where the Scottish Ministers lay a programme under section 53(2). It requires the Scottish Ministers to request the relevant body to prepare a report setting out its assessment of the progress made towards implementing the objectives, proposals and policies set out in that programme. Subsection (2) provides that the request has to be made within 2 years of the day on which a programme is laid by the Scottish Ministers before the Scottish Parliament. The assessments will be conducted by the relevant body, currently the UKCCC, until such time as a Scottish advisory body is established.
99. **Section 55** also applies where the Secretary of State lays a second or subsequent report under section 56 of the UK Climate Change Act 2008. When this occurs, then the Scottish Ministers must request the relevant body to prepare a further report setting out an assessment of the progress made towards implementing the Scottish Ministers' objectives, proposals and policies set out in the most recent programme under section 53. Under the UK Act, subsequent reports of the Secretary of State are due to be laid every five years after the first.
100. **Section 56** only applies when an order is made by the Scottish Ministers designating an advisory body. It requires the Scottish Ministers to request the advisory body to prepare a report setting out an assessment of progress made towards the programmes

*These notes relate to the Climate Change (Scotland) Act
2009 (asp 12) which received Royal Assent on 4 August 2009*

to adapt to climate change in the same circumstances and within the same timescales
as for section 55.