



Climate Change (Scotland) Act 2009

2009 asp 12

PART 3

[^{F1}REPORTING AND PLANNING DUTIES]

[^{F1}Climate change plan

Textual Amendments

- F1** Ss. 35-35C and cross-heading substituted for s. 35 (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), **ss. 24(1), 32(2)**; S.S.I. 2020/66, reg. 2

35 Climate change plan

- (1) The Scottish Ministers must lay a climate change plan before the Scottish Parliament—
 - (a) in the case of the first plan, before the end of the period of 5 years beginning with the day on which this section comes into force,
 - (b) in the case of each subsequent plan, before the end of the period of 5 years beginning with the day on which the previous plan was laid.
- (2) The plan must, in particular, set out—
 - (a) the Scottish Ministers' proposals and policies for meeting the emissions reduction targets during the plan period,
 - (b) those proposals and policies in chapters on—
 - (i) each of the sectors mentioned in subsection (3), and
 - (ii) such other sectors or topics as the Scottish Ministers consider appropriate for the plan, and
 - (c) the timescales over which those proposals and policies are expected to take effect.
- (3) The sectors referred to in subsection (2)(b)(i) are—
 - (a) energy supply,
 - (b) transport (including international aviation and shipping),

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- (c) business and industrial process,
 - (d) residential and public (in relation to buildings in those sectors),
 - (e) waste management,
 - (f) land use, land use change and forestry,
 - (g) agriculture.
- (4) In subsection (2), the “plan period” means the period of—
- (a) 15 years beginning with the year after the year in which the draft plan is laid before the Parliament, or
 - (b) such other period of between 10 and 20 years beginning with that year as the Scottish Ministers may specify in the plan in order that the period ends in the same year as an interim target or the net-zero emissions target year.
- (5) The plan must also set out the Scottish Ministers' proposals and policies regarding the respective contributions towards meeting the emissions reduction targets that should be made by each of the sectors mentioned in subsection (3).
- (6) Without prejudice to the generality of subsection (5), the plan must in particular set out the Scottish Ministers' proposals and policies for—
- (a) the establishment of any regional land use partnerships (subject to such partnerships having not already been established), and
 - (b) the support to and resourcing of any regional land use partnerships to develop frameworks.
- (7) For the purposes of this section—
- “regional land use partnership” is a partnership established in a strategy under section 57,
 - “frameworks” are frameworks created by a regional land use partnership.
- (8) The plan must also set out the Scottish Ministers' proposals and policies regarding the exploitation of fossil fuels including onshore unconventional oil and gas reserves.
- (9) The plan must also set out the Scottish Ministers' proposals and policies regarding the development of district heating for new developments, where feasible.
- (10) The plan must also set out the Scottish Ministers' proposals and policies regarding the public procurement of electric vehicles.
- (11) The plan must also set out the Scottish Ministers' proposals and policies for improved access to electric vehicle charging stations for those living in tenements within the meaning of section 26 of the Tenements (Scotland) Act 2004.
- (12) The plan must also set out the Scottish Ministers' proposals and policies regarding public procurement of ultra-low emission vehicles.
- (13) The plan must also set out the Scottish Ministers' proposals and policies regarding—
- (a) the establishment of a whole farm approach to emissions accounting on Scottish farms,
 - (b) the reduction of Scottish whole farm greenhouse gas emissions through the use of—
 - (i) research,
 - (ii) knowledge transfer and advice,
 - (iii) land management accreditation, including organic farming,

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- (iv) nutrient resource budgeting,
 - (v) circular economy initiatives,
 - (vi) energy generation and efficiency,
 - (vii) any land use strategy prepared under section 57,
 - (viii) agroecology,
 - (ix) carbon sequestration,
 - (x) agroforestry.
- (14) For the purposes of subsection (13)—
- “agroecology” means a whole farm approach to land and resource management which integrates the production of food with restoration and maintenance of the natural environment and other social benefits, taking into account the wider impact of the farm's activities,
- “whole farm” has the same combined meaning as “agriculture”, “agricultural land” and “agricultural unit” as in section 86 of the Agriculture (Scotland) Act 1948.
- (15) The plan must also set out the Scottish Ministers' proposals and policies regarding the consideration of the potential for the capture and long-term storage of carbon when designating marine protected areas under section 67 of the Marine (Scotland) Act 2010.
- (16) The plan must also set out the Scottish Ministers' proposals and policies regarding the establishment of a fund, to be known as an Agricultural Modernisation Fund, to support investment in mitigation measures to reduce greenhouse gas emissions on Scottish farms.
- (17) Without prejudice to the generality of subsection (2), the plan must set out what (if any) measures the Scottish Ministers propose to take during the plan period to ensure that emissions from housing are reduced such that the majority of housing in Scotland achieves an energy performance certificate rating of “C” or above, where practical.
- (18) The plan must also set out the Scottish Ministers' proposals and policies for taking, or supporting, action to reduce 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.
- (19) The plan must also set out the Scottish Ministers' proposals and policies for supporting, including by the sharing of expertise and technology, action in developing countries to reduce emissions of greenhouse gases and adapt to the effects of climate change.
- (20) The plan must also, with reference to the just transition principles (see section 35C)—
- (a) explain how the proposals and policies set out in the plan are expected to affect different sectors of the Scottish economy and different regions in Scotland, including how they are expected to affect employment in those sectors and regions, and
 - (b) set out the Scottish Ministers' proposals and policies for supporting the workforce, employers and communities in those sectors and regions.
- (21) The plan must also set out an estimate of the costs and benefits associated with the policies set out in the plan.
- (22) In preparing a plan under subsection (1), the Scottish Ministers must have regard to—
- (a) the just transition principles (see section 35C), and

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- (b) the climate justice principle.
- (23) In subsection (22)(b), the “climate justice principle” is the importance of taking action to reduce global emissions of greenhouse gases and to adapt to the effects of climate change in ways which—
 - (a) support the people who are most affected by climate change but who have done the least to cause it and are the least equipped to adapt to its effects, and
 - (b) help to address inequality.
- (24) Each plan under this section must explain—
 - (a) the extent to which it takes account of the just transition principles,
 - (b) how the implementation of the plan is expected to contribute to the achievement of sustainable development, including the achievement of the United Nations sustainable development goals.
- (25) Each plan under this section—
 - (a) must contain an assessment of the progress towards implementing proposals and policies set out in the immediately preceding plan, and
 - (b) may make such adjustments to those proposals and policies as the Scottish Ministers consider appropriate.
- (26) For the purposes of subsection (25), the “immediately preceding plan” includes the most recent report on proposals and policies for meeting annual targets which was laid by the Scottish Ministers under section 35 of this Act before the date on which section 24 of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 came into force.
- (27) The Scottish Ministers may by regulations modify subsection (3).
- (28) Any modification made in regulations under subsection (27) must be consistent with international carbon reporting practice.

35A Climate change plan: further procedure

- (1) The Scottish Ministers must, before laying a climate change plan under section 35 before the Scottish Parliament—
 - (a) lay a draft of the plan before the Parliament for a period of 120 days, of which no fewer than 60 must be days on which the Parliament is not dissolved or in recess, and
 - (b) have regard to—
 - (i) any representations on the draft plan made to them,
 - (ii) any views on the draft plan set out by the relevant body in a report under section 9(1)(d),
 - (iii) any resolution relating to the draft plan passed by the Parliament, and
 - (iv) any report relating to the draft plan published by any committee of the Parliament for the time being appointed by virtue of standing orders.
- (2) The Scottish Ministers must, when laying a climate change plan under section 35 before the Parliament, lay a statement setting out—
 - (a) details of any representations, views, resolutions or reports mentioned in subsection (1)(b),

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- (b) the changes (if any) they have made to the plan in response to such representations, views, resolutions or reports and the reasons for those changes.

35B Climate change plan: annual progress reports

- (1) The Scottish Ministers must in each relevant year, lay before the Scottish Parliament a report on each substantive chapter of the most recent climate change plan laid under section 35.
- (2) Each report laid under subsection (1) must contain an assessment of progress towards implementing the proposals and policies set out in that chapter, including proposals and policies for supporting the workforce, employers and communities.
- (3) A report under subsection (1) must be laid by 31 May in each relevant year or, if the Scottish Ministers consider that is not possible because the information needed for the report is not available, as soon as reasonably practicable after that date.
- (4) In this section—
 - (a) “relevant year” means—
 - (i) 2021, and
 - (ii) each subsequent year, other than any year in which a climate change plan is laid before the Scottish Parliament under section 35(1), and
 - (b) “substantive chapter” means a chapter of the climate change plan which is included in the plan by virtue of section 35(2)(b) and which contains distinct proposals and policies for meeting the emissions reduction targets during the plan period.
- (5) Until such time as the first climate change plan is laid under section 35, subsection (1) is to be read as if it—
 - (a) applied in relation to the most recent report on proposals and policies for meeting annual targets which was laid by the Scottish Ministers under section 35 of this Act before the date on which section 24 of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 came into force, and
 - (b) required a report on each chapter of that most recent report which contains distinct proposals and policies for meeting the targets to which the report relates during the period covered by the report.

35C Just transition principles

- (1) In this Act, the “just transition principles” are the importance of taking action to reduce net Scottish emissions of greenhouse gases in a way which—
 - (a) supports environmentally and socially sustainable jobs,
 - (b) supports low-carbon investment and infrastructure,
 - (c) develops and maintains social consensus through engagement with workers, trade unions, communities, non-governmental organisations, representatives of the interests of business and industry and such other persons as the Scottish Ministers consider appropriate,
 - (d) creates decent, fair and high-value work in a way which does not negatively affect the current workforce and overall economy,

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(e) contributes to resource efficient and sustainable economic approaches which help to address inequality and poverty.

(2) The Scottish Ministers may by regulations modify subsection (1).]

36 Reports on proposals and policies where annual targets not met

[^{F2}(1) This section applies if the Scottish Ministers lay a report under section 33 which states that an emissions reduction target has not been met.]

(2) As soon as reasonably practicable after the report referred to in [^{F3}subsection (1)] 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.

Textual Amendments

F2 S. 36(1) substituted (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), **ss. 20(2)**, 32(2); S.S.I. 2020/66, reg. 2

F3 Words in s. 36(2) substituted (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), **ss. 20(3)**, 32(2); S.S.I. 2020/66, reg. 2

Commencement Information

I1 S. 36 in force at 31.10.2009 by [S.S.I. 2009/341](#), **art. 2(2)(a)**

Changes to legislation:

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