



# Climate Change (Scotland) Act 2009

## 2009 asp 12

### PART 5

#### OTHER CLIMATE CHANGE PROVISIONS

### CHAPTER 3

#### ENERGY EFFICIENCY

##### *Promotion of energy efficiency and renewable heat*

#### **60      Duty of Scottish Ministers to promote energy efficiency**

- (1) The Scottish Ministers must prepare and publish a plan for—
  - (a) promoting energy efficiency; and
  - (b) improving the energy efficiency of living accommodation, in Scotland.
- (2) The plan must set annual energy efficiency targets and describe how those targets are to be reported on.
- (3) The plan must also include details of how the Scottish Ministers intend to update planning and building regulations to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use, calculated on the basis of the approved design and plans for the specific building, through the installation and operation of low and zero-carbon generating technologies.
- (4) The plan prepared under subsection (1) must be published no later than 12 months after the day on which this section comes into force.
- (5) The Scottish Ministers—
  - (a) may, from time to time; and
  - (b) must, before the end of the period mentioned in subsection (6), review the plan prepared and published under this section.

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*Status: This is the original version (as it was originally enacted).*

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- (6) The period referred to in subsection (5)(b) is the period of 3 years beginning with the day on which—
  - (a) the plan is first published; or
  - (b) the plan was last reviewed under subsection (5).
- (7) Where, following a review under subsection (5), the Scottish Ministers vary the plan, they must, as soon as reasonably practicable after so doing, publish the plan as so varied.
- (8) In preparing or varying the plan, the Scottish Ministers must have regard to the contributions which improvements to buildings and changes in building standards can make to the delivery of energy efficiency and to the reduction of greenhouse gas emissions.
- (9) In this section—
  - “energy efficiency” includes the use of—
    - (a) technologies (other than those used for the production of heat) reliant on renewable sources of energy;
    - (b) materials and equipment the manufacture or use of which produces or involves lower emissions of greenhouse gases than other materials and equipment; and
    - (c) surplus heat from electricity generation or other industrial processes for district heating or other purposes;
  - “fossil fuel” means—
    - (a) coal;
    - (b) lignite;
    - (c) peat;
    - (d) natural gas (within the meaning of the Energy Act 1976 (c. 76));
    - (e) crude liquid petroleum;
    - (f) petroleum products (within the meaning of that Act);
    - (g) any substance produced directly or indirectly from a substance mentioned in paragraphs (a) to (f);
  - “renewable sources” means sources other than fossil fuel and nuclear fuel.

## **61 Duty of Scottish Ministers to promote renewable heat**

- (1) The Scottish Ministers must prepare and publish a plan for the promotion of the use of heat produced from renewable sources.
- (2) The plan must, in particular—
  - (a) set—
    - (i) targets for the percentage of heat to be produced from renewable sources; and
    - (ii) in relation to each target, the date by which it should be met; and
  - (b) describe how those targets are to be reported on.
- (3) The plan prepared under subsection (1) must be published no later than 12 months after the day on which this section comes into force.
- (4) The Scottish Ministers—
  - (a) may, from time to time; and

- (b) must, before the end of the period mentioned in subsection (5), review the plan prepared and published under this section.
- (5) The period referred to in subsection (4)(b) is the period of 2 years beginning with the day on which—
  - (a) the plan is first published; or
  - (b) the plan was last reviewed under subsection (4).
- (6) Where, following a review under subsection (4), the Scottish Ministers vary the plan, they must, as soon as reasonably practicable after so doing, publish the plan as so varied.
- (7) In this section, “renewable sources” has the same meaning as in section 60(9).

## **62 Laying of plans and reports**

- (1) The Scottish Ministers must, as soon as reasonably practicable after publishing a plan under section 60(1) or (7) or section 61(1) or (6), lay it before the Scottish Parliament.
- (2) The Scottish Ministers must, before the end of the period mentioned in subsection (3), lay before the Parliament a report on what steps have been taken in implement of the plan.
- (3) The period referred to in subsection (2) is the period of 12 months beginning with the day on which—
  - (a) the plan is first published; or
  - (b) a report was last laid under subsection (2).
- (4) Where the Scottish Ministers lay a plan mentioned in subsection (1) or a report mentioned in subsection (2) before the Parliament, they must, as soon as reasonably practicable after doing so, and in so far as reasonably practicable, make a statement to the Parliament relating to the plan or, as the case may be, report.