



Climate Change (Scotland) Act 2009

2009 asp 12

PART 1

EMISSIONS REDUCTION TARGETS

The interim target

2 The interim target

- (1) The Scottish Ministers must ensure that the net Scottish emissions account for the year 2020 is at least 42% lower than the baseline.
- (2) In this Act, the target set out in subsection (1) is known as the “interim target”.
- (3) The Scottish Ministers may, by order, modify the percentage figure mentioned in subsection (1) so as to substitute—
 - (a) a figure provided by the relevant body by virtue of subsection (4)(b); or
 - (b) a higher figure,for the one for the time being mentioned there.
- (4) The Scottish Ministers must, as soon as reasonably practicable after the Bill for this Act receives Royal Assent, request advice from the relevant body as to (having regard to the criteria set out in subsection (5))—
 - (a) whether the percentage figure for the time being mentioned in subsection (1) is the highest achievable interim target; and
 - (b) if not, what the highest achievable interim target is.
- (5) The criteria referred to in subsection (4) are—
 - (a) scientific knowledge about climate change;
 - (b) technology relevant to climate change;
 - (c) 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;

Status: This is the original version (as it was originally enacted).

- (d) fiscal circumstances, in particular the likely impact of the target on taxation, public spending and public borrowing;
 - (e) social circumstances, in particular the likely impact of the target on those living in poorer or deprived communities;
 - (f) the likely impact of the target on those living in remote rural communities and island communities;
 - (g) 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;
 - (h) environmental considerations and, in particular, the likely impact of the targets on biodiversity;
 - (i) European and international law and policy relating to climate change.
- (6) The Scottish Ministers must publish the advice requested under subsection (4) no later than 31 December 2009 (or, if the advice is not published by that date, as soon as reasonably practicable afterwards).
- (7) Where the relevant body has provided advice of the kind mentioned in subsection (4) (b), the Scottish Ministers must, as soon as reasonably practicable after that advice is published under subsection (6), comply with either of the duties set out in subsection (8).
- (8) The duties are—
- (a) to lay before the Scottish Parliament a draft of a statutory instrument containing an order under subsection (3) substituting for the percentage figure for the time being mentioned in subsection (1) the figure provided by the relevant body by virtue of subsection (4)(b); or
 - (b) to make a statement to the Scottish Parliament setting out the reasons why no such order has been laid.
- (9) If an appropriate Community instrument comes into force, the Scottish Ministers must, before the expiry of the appropriate period, lay a draft of a statutory instrument containing an appropriate order before the Scottish Parliament.
- (10) An “appropriate order” means an order under subsection (3) modifying the percentage figure mentioned in subsection (1) so as to substitute a figure of at least 42%.
- (11) An “appropriate Community instrument” means a Community instrument—
- (a) which contains a commitment to reduce greenhouse gas emissions by at least 30% compared to 1990 levels by 2020; and
 - (b) which amends Decision [406/2009/EC](#) of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community’s greenhouse gas emission reduction commitments up to 2020 in the manner envisaged in Article 8(2) of the Decision.
- (12) The “appropriate period” means the period of 3 months beginning with the day on which the appropriate Community instrument comes into force.
- (13) If a draft of an appropriate order is not laid before the expiry of the appropriate period, the Scottish Ministers must lay the draft as soon as reasonably practicable afterwards.
- (14) Subsections (9) to (13) cease to apply if a figure higher than 42% is, by virtue of a draft of a statutory instrument of the kind mentioned in subsection (8)(a) having

been approved by the Scottish Parliament, the percentage figure for the time being mentioned in subsection (1).