

CLIMATE CHANGE (EMISSIONS REDUCTION TARGETS) (SCOTLAND) ACT 2019

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 - Emissions Reduction Targets

The net-zero emissions target

Section 1 – Net-zero emissions target

10. Section 1 inserts a new section A1 (net-zero emissions target) into the 2009 Act. The following paragraphs refer to the subsections of new section A1.
11. Subsection (1) imposes a duty on the Scottish Ministers to ensure that the net Scottish emissions account for the net-zero emission target year is at least 100% lower than the baseline¹. This target is known as the “net-zero emissions target”.
12. Subsection (2) specifies 2045 as the year in which the net-zero emissions target is to be met. The year is known as the “net-zero emissions target year”.
13. Subsection (3) confers a power on the Scottish Ministers to, by regulations, modify the net-zero emissions target year. If the Scottish Ministers propose to modify the net-zero emissions target year to a year later than 2045, they may only do so if the advice is consistent with the most-up-to-date advice they have received from the relevant body² and that advice is based on either scientific knowledge about climate change or current international carbon reporting practice (or both).
14. Subsection (4) requires the Scottish Ministers, if proposing to modify the net-zero emissions target year, to have regard to the target-setting criteria in section 2B of the 2009 Act (inserted by section 5 of the Act) and the most up-to-date advice received from the relevant body.
15. Subsection (5) requires the Scottish Ministers to publish a statement as soon as reasonably practicable after laying, for approval under the affirmative procedure, a draft of regulations under subsection (3). This must set out their reasons for proposing to modify the net-zero emissions target year, the extent to which the proposed year takes account of the “target-setting criteria”, and whether the proposed year is consistent with the most up-to-date advice they have received from the relevant body and, if it is not, the reasons why.

¹ The “baseline” is the aggregate amount of (a) net Scottish emissions of carbon dioxide for 1990, and (b) net Scottish emissions of each of the greenhouse gases other than carbon dioxide for the year that is the ‘baseline year’ for that gas. The baseline years for greenhouse gases other than carbon dioxide are: 1990 for methane and nitrous oxide, and 1995 for hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and nitrogen trifluoride.

² See definition in paragraph 3.