

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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule – Modifications of the 2009 Act

140. This schedule makes further modifications to the 2009 Act. Most of the changes are minor or consequential, but the following paragraphs explain some of the changes in more detail.
141. Paragraph 2 repeals section 4 (setting annual targets), section 5 (advice before setting annual targets), section 6 (modifying annual targets etc.), section 7 (advice before modifying annual targets etc.) and section 8 (the domestic effort target) of the 2009 Act. As annual targets will instead be set mechanistically (by reference to the interim targets and the net-zero emissions target year) in accordance with new sections 3, 3A and 3B (inserted by section 10 of the Act), sections 4 to 7 of the 2009 Act are no longer needed. Section 8 of the 2009 Act is also no longer needed as it is superseded by provision made by sections 14 and 15 of the Act (for further details, see also the explanatory notes above on those section).
142. Paragraph 4 repeals sections 14, 21, 22 and 23 of the 2009 Act (relating to limits on use of carbon units) as these are no longer needed in consequence of the alternative new provision made by virtue of sections 6, 14 and 15 of the Act.
143. Paragraph 5 inserts a section 20A (the relevant body) into the 2009 Act so as to define the “relevant body” for the purposes of Part 1 of the 2009 Act. This replicates the definition which was in section 5(7) and (8) of the 2009 Act (which will be repealed) and moves it to a separate section for better prominence.
144. Paragraph 11 repeals, among other things, section 38 of the 2009 Act, which relates to reports on the impact on emissions of the exercise of electricity generation related functions which are reported on through other methods. It also repeals section 39, which previously required a report to be laid before the Scottish Parliament by the end of December 2015, and is therefore no longer applicable. It also repeals sections 40 and 41 of the 2009 Act (reports on the interim target and reports on the 2050 target respectively). These sections are no longer required as the new reporting functions established by virtue of section 18 of the Act require a report for every year for which an emissions reduction target has been set, so there is no longer a requirement to have separate reports covering the different targets.