



Climate Change (Emissions Reduction Targets) (Scotland) Act 2019

2019 asp 15

PART 1

EMISSIONS REDUCTION TARGETS

Advice about targets

6 Duty to seek advice from the relevant body

After section 2B of the 2009 Act (inserted by section 5 of this Act), insert—

“Advice about targets

2C 2C Duty to seek advice from the relevant body

- (1) The Scottish Ministers must request advice from the relevant body at least once before the expiry of each relevant 5 year period.
- (2) A “relevant 5 year period” means a period of 5 years which begins with—
 - (a) in the case of the first period, the date on which this section comes into force, and
 - (b) in the case of a subsequent period, the date on which the previous request for advice was, or is treated as having been, made under subsection (1).
- (3) A request for advice under subsection (1) must request the relevant body’s views as to—
 - (a) whether the net-zero emissions target is achievable and, if so, what is the earliest achievable net-zero emissions target year (with views on both matters taking account of the target-setting criteria),
 - (b) whether the percentage figure applying for the purposes of each interim target not yet reported on under section 33 is appropriate by reference

Status: This is the original version (as it was originally enacted).

- to the target-setting criteria (and if not, advice as to any alternative percentage figure that would be appropriate),
- (c) whether the fair and safe Scottish emissions budget is appropriate, and request that, if not, the body makes a fresh recommendation for the purpose of the budget,
 - (d) the estimated contribution of the net-zero emissions target and the interim targets towards global efforts to limit the global average temperature increase to 1.5°C above pre-industrial levels,
 - (e) the extent to which each relevant target should be met by—
 - (i) taking action to reduce net Scottish emissions of greenhouse gases, and
 - (ii) the crediting of carbon units to the net Scottish emissions account in accordance with regulations under section 13(5),
 - (f) the respective contributions towards meeting each relevant target that should be made by—
 - (i) the sectors of the Scottish economy which are covered by trading schemes within the meaning of section 44 of the 2008 Act, and
 - (ii) the other sectors of the Scottish economy,
 - (g) the respective contributions towards meeting each relevant target that should be made by each of the sectors mentioned in section 35(3),
 - (h) whether the multiplier to reflect the direct and indirect non-carbon dioxide climate change impacts of emissions at altitude from international aviation which applies for each greenhouse gas by virtue of section 16(3) is appropriate (and if not, advice as to any alternative multiplier that would be appropriate).
- (4) A “relevant target” is—
- (a) an annual target for a year within the period of 15 years beginning with the year immediately following the year in which a request is made under subsection (1),
 - (b) an interim target for a year within that 15 year period, and
 - (c) the net-zero emissions target, if the net-zero emissions target year is within that 15 year period.
- (5) A request for advice under subsection (1) may request the relevant body’s views as to any other matter which the Scottish Ministers consider relevant for the purposes of this Part.”.

7 **Power to seek additional advice**

After section 2C of the 2009 Act (inserted by section 6 of this Act), insert—

“2D **Power to seek additional advice**

- (1) The Scottish Ministers may request advice from the relevant body at any time on—
- (a) a matter mentioned in section 2C(3),
 - (b) any other matter which they consider relevant for the purposes of this Part.

- (2) But any request for advice under subsection (1) on all of the matters mentioned in section 2C(3) is to be treated as having been made under section 2C(1).”.

8 Ministerial duties following request for advice

After section 2D of the 2009 Act (inserted by section 7 of this Act), insert—

“2E “2E Ministerial duties following request for advice

- (1) The Scottish Ministers must publish any advice received in response to a request under section 2C(1) or 2D(1) as soon as reasonably practicable after they receive it.
- (2) Subsection (3) applies if—
- (a) the relevant body’s advice states that a particular year is the earliest achievable year for the net-zero emissions target, and
 - (b) that year is not already the net-zero emissions target year.
- (3) The Scottish Ministers must—
- (a) within 3 months of receiving that advice publish a statement setting out how they intend to respond to that advice, and
 - (b) if they do not, within 12 months of receiving that advice, lay for approval a draft of regulations under section A1(3) which modify the net-zero emissions target year to that year, make a statement to the Scottish Parliament setting out the reasons for not doing so.
- (4) Subsection (5) applies if the relevant body’s advice states that a percentage figure for an interim target applying when the request is made is not appropriate and that another figure would be appropriate.
- (5) The Scottish Ministers must—
- (a) within 3 months of receiving that advice publish a statement setting out how they intend to respond to that advice, and
 - (b) if they do not, within 12 months of receiving that advice, lay for approval a draft of regulations under section 2A(1) to make the advised modification to that percentage figure, make a statement to the Scottish Parliament setting out the reasons for not doing so.
- (6) Subsection (7) applies if—
- (a) the relevant body’s advice states that, for a greenhouse gas, the multiplier figure reflecting the direct and indirect non-carbon dioxide climate change impacts of emissions at altitude from international aviation applying when the request is made is not appropriate and that another figure would be appropriate, and
 - (b) the Scottish Ministers do not, within 12 months of receiving that advice, lay for approval a draft order under section 16(1) amending the multiplier to that figure.
- (7) The Scottish Ministers must publish a statement setting out the reasons for not laying for approval a draft order under section 16(1) making the advised modification to that multiplier figure.”.