



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

## 2019 asp 15

### PART 2

#### EMISSIONS ACCOUNTING

#### 15 Permitted use of carbon units purchased by the Scottish Ministers

(1) After section 13 of the 2009 Act, insert—

**“13A Permitted use of carbon units purchased by the Scottish Ministers**

- (1) The Scottish Ministers may by regulations set a limit representing the maximum amount of carbon units purchased by them that may be credited to the net Scottish emissions account for a year.
- (2) A limit set in regulations under subsection (1) for a target year must not exceed an amount which represents 20% of the planned reduction in the net Scottish emissions account for that year.
- (3) The planned reduction in the net Scottish emissions account for a target year is the difference between the following amounts, both being calculated immediately before the regulations under subsection (1) are made—
  - (a) the minimum amount by which the emissions reduction target for the target year requires the net Scottish emissions account to be lower than the baseline, and
  - (b) the minimum amount by which the emissions reduction target for the immediately preceding year requires the net Scottish emissions account to be lower than the baseline.
- (4) Regulations under subsection (1) may set a limit only for a year—
  - (a) in respect of which the Scottish Ministers have not yet reported on under section 33, and
  - (b) which ends no more than 10 years after the year in which the regulations come into force.”

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*Changes to legislation: There are currently no known outstanding effects for the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, Section 15. (See end of Document for details)*

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- (2) In section 96(7) of the 2009 Act, after paragraph (a) insert—
- “(aa) regulations under section 13A(1) that do not propose an increase to any limit on the maximum amount of carbon units that may be credited to the net Scottish emissions account for a year.”.
- (3) In section 97 of the 2009 Act—
- (a) in subsection (1)—
    - (i) the words from “the first” to the end become paragraph (a),
    - (ii) after that paragraph insert “; or
    - (b) regulations under section 13A(1) that propose an increase to any limit on the maximum amount of carbon units that may be credited to the net Scottish emissions account for a year.”,
  - (b) in subsection (2)—
    - (i) the word “and” after paragraph (a) is repealed,
    - (ii) after paragraph (b) insert “; and
    - (c) in the case of regulations mentioned in subsection (1) (b), a statement setting out whether the proposed limit is consistent with the most up-to-date advice they have received from the relevant body.”,
  - (c) in subsection (7), after paragraph (b) insert “; and
  - (c) in the case of regulations mentioned in subsection (1)(b), whether the proposed limit is consistent with the most up-to-date advice they have received from the relevant body.”.
- (4) The following Orders are revoked—
- (a) the Climate Change (Limit on Carbon Units) (Scotland) Order 2010 (S.S.I. 2010/217),
  - (b) the Climate Change (Limit on Carbon Units) (Scotland) Order 2011 (S.S.I. 2011/440),
  - (c) the Climate Change (Limit on Use of Carbon Units) (Scotland) Order 2016 (S.S.I. 2016/330).

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#### **Commencement Information**

**II** S. 15 in force at 23.3.2020 by [S.S.I. 2020/66](#), [reg. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, Section 15.