



Climate Change (Scotland) Act 2009

2009 asp 12

CLIMATE CHANGE (SCOTLAND) ACT 2009

PART 1

EMISSIONS REDUCTION TARGETS

The net-zero emissions target

A1 The net-zero emissions target

...

1 The 2050 target

The interim targets

2 The interim targets

2A Modification of the interim targets

The target-setting criteria

2B The target-setting criteria

Advice about targets

2C Duty to seek advice from the relevant body

2D Power to seek additional advice

2E Ministerial duties following request for advice

Annual targets

3 Annual targets: 2021 to year before net-zero year

3A Annual targets: recalculation if net-zero emissions target year is in certain periods

3B Annual targets: further rules on recalculation

Changes to legislation: There are currently no known outstanding effects for the Climate Change (Scotland) Act 2009. (See end of Document for details)

Information about targets

- 3C Publication of targets
- 4 Setting annual targets
- 5 Advice before setting annual targets
- 6 Modifying annual targets etc.
- 7 Advice before modifying annual targets etc.

...

- 8 The domestic effort target

Nitrogen balance sheet

- 8A Nitrogen balance sheet

Advice on progress

- 9 Progress towards targets

Greenhouse gases

- 10 Greenhouse gases

Baseline

- 11 The baseline
- 12 Baselines for additional greenhouses gases

Supplementary

- 13 The net Scottish emissions account
- 13A Permitted use of carbon units purchased by the Scottish Ministers
- 14 Restriction on use in 2010–2017 of carbon units purchased by Scottish Ministers
- 15 Attribution of emissions to Scotland
- 16 Scottish share of emissions from international aviation and international shipping
- 17 Scottish emissions and removals
- 18 Measurement of emissions etc.
- 19 International carbon reporting practice
- 20 Carbon units and carbon accounting
- 20A The relevant body
- 21 Limits on use of carbon units
- 22 Modifying limits on use of carbon units etc.
- 23 Advice before setting or modifying limits on use of carbon units etc.

PART 2

ADVISORY FUNCTIONS

Advisory body

- 24 Meaning of advisory body

Scottish Committee on Climate Change

- 25 Scottish Committee on Climate Change

Changes to legislation: There are currently no known outstanding effects for the Climate Change (Scotland) Act 2009. (See end of Document for details)

- 26 Application of sections 30 to 32 and 56
- 27 Advice on annual targets etc.
- 28 Reporting on progress towards targets
- 29 Scottish Ministers' response to reports on progress
- 30 Duty of advisory body to provide advice or other assistance
- 31 Guidance to advisory body
- 32 Power to give directions to advisory body

PART 2A

CITIZENS ASSEMBLY

- 32A Citizens assembly

PART 3

REPORTING AND PLANNING DUTIES

Reporting

- 33 Reports on emissions reduction targets
- 34 Reports on emissions reduction targets: further content

Climate change plan

- 35 Climate change plan
- 35A Climate change plan: further procedure
- 35B Climate change plan: annual progress reports
- 35C Just transition principles
- 36 Reports on proposals and policies where annual targets not met

Other reporting provisions

- 37 Reports on emissions attributable to Scottish consumption of goods and services
- 37A Reports on land use strategy
- 38 Reports on impact on emissions of exercise of electricity generation related functions
- 39 Report on progress towards meeting the interim target
- 40 Report on the interim target
- 41 Report on the 2050 target
- 42 Reports: provision of further information to the Scottish Parliament
- 43 Further provision about reporting duties

PART 4

DUTIES OF PUBLIC BODIES RELATING TO CLIMATE CHANGE

Duties of public bodies

- 44 Duties of public bodies relating to climate change
- 45 Guidance to relevant public bodies
- 46 Reporting on climate change duties

Monitoring body

- 47 Appointment of monitoring body

Changes to legislation: There are currently no known outstanding effects for the Climate Change (Scotland) Act 2009. (See end of Document for details)

Investigations

- 48 Investigations
- 49 Investigations: investigators' powers
- 50 Reporting by monitoring body
- 51 Guidance to monitoring body
- 52 Power to direct monitoring body

PART 5

OTHER CLIMATE CHANGE PROVISIONS

CHAPTER 1

ADAPTATION

Adaptation programmes

- 53 Programmes for adaptation to climate change
- 54 Reports on progress towards implementation of programmes for adaptation
- 55 Progress towards implementation of programmes for adaptation
- 56 Reports on programmes for adaptation

CHAPTER 2

LAND USE

Land use strategy

- 57 Duty to produce a land use strategy

Muirburn

- 58 Variation of permitted times for making muirburn

Forestry

- 59 Power to modify functions of Forestry Commissioners

CHAPTER 3

ENERGY EFFICIENCY

Promotion of energy efficiency and renewable heat

- 60 Duty of Scottish Ministers to promote energy efficiency
- 61 Duty of Scottish Ministers to promote renewable heat
- 62 Laying of plans and reports

Energy performance of non-domestic buildings

- 63 Non-domestic buildings: assessment of energy performance and emissions

Changes to legislation: There are currently no known outstanding effects for the Climate Change (Scotland) Act 2009. (See end of Document for details)

Energy performance of living accommodation

- 64 Living accommodation: assessment of energy performance and emissions

Energy efficiency discount schemes

- 65 Duty of local authorities to establish energy efficiency discount schemes
66 Review of energy efficiency discount schemes
67 Non-domestic rates: discounts for energy efficiency etc.

Climate change burdens

- 68 Climate change burdens

Tenement Management Scheme

- 69 Tenement Management Scheme: definition of “maintenance”

Permitted development rights

- 70 Air source heat pumps and micro wind turbines in domestic properties
71 Microgeneration in non-domestic buildings

Development plans

- 72 Development plans: inclusion of greenhouse gas emissions policies
73 Annual report on operation of section 72

Promotion of water conservation and water-use efficiency

- 74 Duty of Scottish Water to promote water conservation and water-use efficiency

CHAPTER 4

THE SCOTTISH CIVIL ESTATE

- 75 Energy performance of buildings procured for the Scottish civil estate
76 Report on the Scottish civil estate
77 Scottish civil estate: supplementary

CHAPTER 5

WASTE REDUCTION AND RECYCLING

Waste prevention and management plans

- 78 Waste prevention and management plans

Waste data

- 79 Information on waste

Deposit of recyclable waste etc.

- 80 Recyclable waste: facilities for deposit etc.
81 Recyclable waste: facilities for deposit at events etc.

Changes to legislation: There are currently no known outstanding effects for the Climate Change (Scotland) Act 2009. (See end of Document for details)

Procurement of recyclate

- 82 Procurement of recyclate
- 82A Procurement of recycled and recyclable products etc.

Reduction of packaging

- 83 Targets for reduction of packaging etc.

Deposit and return

- 84 Deposit and return schemes
- 85 Deposit and return schemes: designation of scheme administrator
- 86 Power to establish scheme administrator
- 87 Finance of scheme administrator

Carrier bag charges

- 88 Charges for supply of carrier bags

Carrier bag offences: fixed penalty notices

- 88A Offences relating to supply of carrier bags: fixed penalty notices

General provision

- 89 Enforcement authorities
- 90 Penalties

PART 6

GENERAL AND MISCELLANEOUS

- 91 Public engagement
- 92 Sustainable development
- 93 Equal opportunities
- 94 Impact of budget proposals on emissions
- 94A Impact of infrastructure investment on emissions
- 95 Crown application
- 96 Subordinate legislation
- 97 Subordinate legislation: pre-laying procedure
- 98 Interpretation
- 99 Minor and consequential modifications
- 100 Short title and commencement

SCHEDULE 1 — The Scottish Committee on Climate Change

Status

- 1 (1) The Committee is a body corporate.

Membership of the Committee

- 2 (1) The Committee is to consist of the following members—...

Changes to legislation: There are currently no known outstanding effects for the Climate Change (Scotland) Act 2009. (See end of Document for details)

Period, and conditions, of appointment of members

- 3 (1) Each member of the Committee is to be appointed...

Persons not eligible for appointment

- 4 No person may be appointed as a member of the...

Removal of members of Committee

- 5 (1) Subject to sub-paragraph (3), the Chair may, by giving...

Remuneration, allowances and pensions of members

- 6 (1) The Committee must pay its members such remuneration and...

Chief executive and other employees

- 7 (1) The Committee is to employ a chief executive.

Accounts

- 8 (1) The Committee must— (a) keep proper accounts and accounting...

Reports

- 9 (1) As soon as practicable after the end of each...

Sub-committees

- 10 (1) The Committee may establish sub-committees for any purposes relating...

Proceedings

- 11 (1) Subject to the remaining provisions of this paragraph, the...

Delegation of functions

- 12 (1) The Committee may, subject to sub-paragraph (2), authorise—

General powers

- 13 (1) The Committee may do anything which appears to it—...

SCHEDULE 1A — FIXED PENALTIES

Preliminary

- 1 In this schedule, unless the context otherwise requires— “ enforcement...

Content of fixed penalty notice

- 2 (1) A notice must give reasonable particulars of the circumstances...

Period in which notice can be given

- 3 A notice may not be given after such time relating...

Changes to legislation: There are currently no known outstanding effects for the Climate Change (Scotland) Act 2009. (See end of Document for details)

Amount of penalty

- 4 (1) The amount of the fixed penalty, and the discounted...

Deadlines for payment

- 5 (1) The payment deadline is the first working day occurring...

Method of payment

- 6 The fixed penalty (and the discounted payment amount) is payable—...

Restriction on proceedings and effect of payment

- 7 (1) The earliest date that proceedings for the offence may...

Withdrawal of fixed penalty notice

- 8 (1) A recipient of a notice may make representations to...

Effect of prosecution on fixed penalty notice

- 9 Where proceedings for an offence in respect of which a...

General and supplemental

- 10 The regulations may make provision about— (a) the application by...
11 (1) The regulations may prescribe— (a) the form of notices...
12 The enforcement authority must have regard to any guidance given...

SCHEDULE 2 — Minor and consequential modifications

Hill Farming Act 1946 (c. 73)

- 1 In section 23(1) of the Hill Farming Act 1946 (prohibition...

Environment Act 1995 (c. 25)

- 2 In section 41(1) of the Environment Act 1995 (power to...

Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)

- 3 In the Ethical Standards in Public Life etc. (Scotland) Act...

Scottish Public Services Ombudsman Act 2002 (asp 11)

- 4 In the Scottish Public Services Ombudsman Act 2002, in Part...

Freedom of Information (Scotland) Act 2002 (asp 13)

- 5 In the Freedom of Information (Scotland) Act 2002, in Part...

Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)

- 6 In the Public Appointments and Public Bodies etc. (Scotland) Act...

Housing (Scotland) Act 2006 (asp 1)

- 7 In the Housing (Scotland) Act 2006, section 179 (duty of...

Changes to legislation:

There are currently no known outstanding effects for the Climate Change (Scotland) Act 2009.