Climate Change (Scotland) Act 2009

2009 asp 12

PART 1

EMISSIONS REDUCTION TARGETS

Supplementary

13 The net Scottish emissions account

(1) The net Scottish emissions account means the aggregate amount of net Scottish emissions of greenhouse gases—

(a) reduced by the amount of carbon units credited to the net Scottish emissions account for the period in accordance with regulations under subsection (5);

(b) increased by the amount of carbon units that, in accordance with such regulations, are to be debited from the net Scottish emissions account for the period.

(2) The net amount of carbon units credited to the net Scottish emissions account for a year for which an annual target has been set (a "target year") must not exceed the allowable amount.

(3) The "allowable amount" is—

(a) the amount equal to the limit, set by virtue of section 21(1), on the net amount of carbon units that may be credited to net Scottish emissions accounts during the period which includes the target year; or

(b) where a net amount of carbon units has been credited to the net Scottish emissions account for any other target year in that period, the balance (if any) remaining of the amount referred to in paragraph (a).

(4) In subsections (2) and (3), the "net amount of carbon units" has the meaning given by section 21(3).

(5) The Scottish Ministers may, by regulations, make provision about—

(a) the circumstances in which carbon units may be credited to the net Scottish emissions account for a period;

(b) the circumstances in which such units may be debited from that account for a period;

(c) the manner in which this is to be done.

(6) The regulations must contain provision for ensuring that carbon units that are credited to the net Scottish emissions account for a period cease to be available to offset other greenhouse gas emissions.

Commencement Information

I1 S. 13 in force at 31.10.2009 by S.S.I. 2009/341, **art. 2(2)(a)**

14 Restriction on use in 2010–2017 of carbon units purchased by Scottish Ministers

(1) The Scottish Ministers may not, where subsection (2) applies, credit to the net Scottish emissions account for a year in the period 2010–2012 any carbon units purchased by them.

(2) This subsection applies provided the percentage figure mentioned in section is 34%.

(3) The Scottish Ministers may only credit to the net Scottish emissions account for a year in the period 2013–2017 any carbon units purchased by them up to a limit of 20% of the reduction in the amount of the net Scottish emissions account planned for that year.

Commencement Information

I2 S. 14 in force at 31.10.2009 by S.S.I. 2009/341, **art. 2(2)(a)**

15 Attribution of emissions to Scotland

For the purposes of section 17(1), emissions of a greenhouse gas are attributable to Scotland if—

(a) they are emitted from sources in Scotland;

(b) they are attributed to Scotland by virtue of an order under section 16(1).

Commencement Information

I3 S. 15 in force at 31.10.2009 by S.S.I. 2009/341, **art. 2(2)(a)**

16 Scottish share of emissions from international aviation and international shipping

(1) The Scottish Ministers may, by order, make provision regarding the emissions of greenhouse gases from international aviation and international shipping that are attributable to Scotland.

(2) An order under subsection (1)—

(a) must make provision for emissions from international aviation and international shipping of—

(i) in the case of the first order under that subsection, each greenhouse gas; and

(ii) in the case of any subsequent order under subsection (1), any gas added to the list of greenhouse gases in section 10(1) since the last such order was made,

to be taken into account as Scottish emissions of each such gas in the period starting with the 1 January following the order being approved by the Scottish Parliament and ending on 31 December 2050;

(b) may make provision as to any past period in which emissions of a greenhouse gas are to be taken into account as Scottish emissions of that gas;

(c) may not, once emissions from international aviation and international shipping of a greenhouse gas are, by virtue of a previous order under subsection (1), being taken into account as Scottish emissions of that gas, provide for such emissions to cease to be taken into account as Scottish emissions of that gas;

(d) must, subject to subsection (3), make provision as to the manner in which emissions from international aviation and international shipping of each greenhouse gas are to be taken into account in determining Scottish emissions of that gas—

(i) for the year that is the baseline year for that gas; and

(ii) in the period during which such emissions of that gas are to be taken into account as Scottish emissions of that gas.

(3) Provision made by virtue of subsection (2)(d) must include the use, for each greenhouse gas, of a multiplier which reflects the direct and indirect non-carbon dioxide climate change impacts of emissions at altitude from international aviation.

(4) A draft of a statutory instrument containing the first order under subsection (1) must be laid before the Scottish Parliament no later than 1 June 2010.

(5) If a draft of the first order is not laid by the date mentioned in subsection (4), the Scottish Ministers must lay the draft as soon as reasonably practicable afterwards.

(6) The Scottish Ministers must, before laying a draft of a statutory instrument containing an order under subsection (1) before the Scottish Parliament, request advice from the relevant body (including advice as to an appropriate multiplier for each greenhouse gas for the purposes of subsection (3)).

(7) If the order makes provision different from that recommended by the relevant body, the Scottish Ministers must publish a statement setting out the reasons why.

(8) A statement under subsection (7) may be published in such manner as the Scottish Ministers consider appropriate.

Commencement Information

I4 S. 16 in force at 31.10.2009 by S.S.I. 2009/341, **art. 2(2)(a)**

17 Scottish emissions and removals

(1) In this Act—

"emissions", in relation to a greenhouse gas, means emissions of that gas into the atmosphere that are attributable to human activity;

"Scottish emissions", in relation to a greenhouse gas, means emissions of that gas which are attributable to Scotland;

"Scottish removals", in relation to a greenhouse gas, means removals of that gas from the atmosphere due to land use, land-use change or forestry activities in Scotland;

"the net Scottish emissions" for a period, in relation to a greenhouse gas, means the amount of Scottish emissions of that gas for the period reduced by the amount of Scottish removals of that gas for the period.

(2) The Scottish Ministers may, if they consider it appropriate to do so, by order, modify the definition of Scottish removals in subsection (1).

(3) The amount of Scottish emissions and Scottish removals of a greenhouse gas for a period must, in so far as reasonably practicable, be determined consistently with international carbon reporting practice.

Commencement Information

I5 S. 17 in force at 31.10.2009 by S.S.I. 2009/341, **art. 2(2)(a)**

18 Measurement of emissions etc.

(1) For the purposes of this Act, greenhouse gas emissions, reductions of such emissions and removals of greenhouse gases from the atmosphere are measured or calculated in tonnes of carbon dioxide equivalent.

(2) A "tonne of carbon dioxide equivalent" means one metric tonne of carbon dioxide or an amount of any other greenhouse gas with an equivalent global warming potential (calculated consistently with international carbon reporting practice).

Commencement Information

I6 S. 18 in force at 31.10.2009 by S.S.I. 2009/341, **art. 2(2)(a)**

19 International carbon reporting practice

In this Act, "international carbon reporting practice" means accepted practice in relation to reporting for the purposes of—

(a) the protocols to the United Nations Framework Convention on Climate Change;

(b) such other agreements or arrangements at European or international level as the Scottish Ministers may, by order, specify.

Commencement Information

I7 S. 19 in force at 31.10.2009 by S.S.I. 2009/341, **art. 2(2)(a)**

20 Carbon units and carbon accounting

(1) The Scottish Ministers may, by regulations, make provision for a scheme—

(a) for registering or otherwise keeping track of carbon units;

(b) for establishing and maintaining accounts in which carbon units may be held, and between which they may be transferred, by the Scottish Ministers.

(2) Regulations under subsection (1) may, in particular, provide for an existing scheme to be adapted for these purposes.

(3) The regulations may also include provision—

(a) designating a person or body to administer the scheme;

(b) establishing a person or body for that purpose and making such provision in relation to the appointment of members, staffing, expenditure, procedure and otherwise of the person or body as the Scottish Ministers consider appropriate;

(c) conferring power on the Scottish Ministers to give guidance or directions to the person or body administering the scheme;

(d) conferring power on the Scottish Ministers to delegate the performance of any of the functions conferred on them by the regulations;

(e) requiring the payment by persons using the scheme of such charges as are reasonably required to cover the reasonable costs incurred in operating the scheme.

(4) In this Act, a "carbon unit" means a unit of a kind specified in regulations made under subsection (1) and which represents—

(a) a reduction in an amount of greenhouse gas emissions;

(b) the removal of an amount of greenhouse gas from the atmosphere;

(c) an amount of greenhouse gas emissions allowed under a scheme or arrangement imposing a limit on such emissions.

Commencement Information

I8 S. 20 in force at 31.10.2009 by S.S.I. 2009/341, **art. 2(2)(a)**

21 Limits on use of carbon units

(1) The Scottish Ministers must, by order, set a limit on the net amount of carbon units that may be credited to net Scottish emissions accounts during the periods mentioned in paragraphs (a) to (i) of subsection (2).

(2) The Scottish Ministers must set the limit—

(a) for the period 2010–2012, no later than 1 June 2010;

(b) for the period 2013–2017, no later than 31 December 2011;

(c) for the period 2018–2022, no later than 31 December 2016;

(d) for the period 2023–2027, no later than 31 December 2021;

(e) for the period 2028–2032, no later than 31 December 2026;

(f) for the period 2033–2037, no later than 31 December 2031;

(g) for the period 2038–2042, no later than 31 December 2036;

(h) for the period 2043–2047, no later than 31 December 2041;

(i) for the period 2048–2050, no later than 31 December 2046.

(3) The "net amount of carbon units" means C minus D, where—

"C" is the amount of carbon units credited to net Scottish emissions accounts during the period in accordance with regulations under section 13(5);

"D" is the amount of carbon units debited from net Scottish emissions accounts during the period in accordance with such regulations.

(4) An order under subsection (1) may provide that carbon units of a description specified in the order do not count towards the limit.

(5) If the limit for a period is not set by the corresponding date mentioned in paragraphs (a) to (i) of subsection (2), the Scottish Ministers must set the limit as soon as reasonably practicable afterwards.

Commencement Information

I9 S. 21 in force at 31.10.2009 by S.S.I. 2009/341, **art. 2(2)(a)**

22 Modifying limits on use of carbon units etc.

(1) The Scottish Ministers may, by order, modify—

(a) a limit on the use of carbon units set by virtue of section 21(1);

(b) any date mentioned in paragraphs (a) to (i) of section 21(2).

(2) The Scottish Ministers may make an order under subsection (1)(a) only if they consider that it is appropriate to do so as a result of—

(a) a modification of the interim target; or

(b) another significant change to the basis on which the limit on the use of carbon units was set.

(3) The Scottish Ministers may make an order under subsection (1)(b) only if they consider it appropriate to do so.

(4) An order under subsection (1)(a) may provide that carbon units of a description specified in the order do not count towards the limit.

Commencement Information

I10 S. 22 in force at 31.10.2009 by S.S.I. 2009/341, **art. 2(2)(a)**

23 Advice before setting or modifying limits on use of carbon units etc.

(1) The Scottish Ministers must, before laying a draft of a statutory instrument containing an order under section 21(1) or 22(1) before the Scottish Parliament, request advice from the relevant body.

(2) If the order under section 21(1) or 22(1) makes provision different from that recommended by the relevant body, the Scottish Ministers must publish a statement setting out the reasons why.

(3) A statement under subsection (2) may be published in such manner as the Scottish Ministers consider appropriate.

Commencement Information

I11 S. 23 in force at 31.10.2009 by S.S.I. 2009/341, **art. 2(2)(a)**

Status:
Point in time view as at 31/10/2009.

Changes to legislation:
There are currently no known outstanding effects for the Climate Change (Scotland) Act 2009, Cross Heading: Supplementary.