

# 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.

<sup>F1</sup>(2) .....

<sup>F1</sup>(3) .....

<sup>F1</sup>(4) .....

- (5) The Scottish Ministers may, by regulations, make provision about—
- (a) the circumstances in which carbon units may [<sup>F2</sup>or may not] be credited to the net Scottish emissions account for a period;
  - (b) the circumstances in which such units may [<sup>F3</sup>or may not] be debited from that account for a period;
  - (c) the manner in which this is to be done.

[<sup>F4</sup>(5A) But the amount of carbon units purchased by the Scottish Ministers that may, by virtue of regulations under subsection (5), be credited to the net Scottish emissions account for a period is zero, unless regulations under section 13A specify a higher limit in relation to that period.]

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

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- (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.

#### Textual Amendments

- F1** S. 13(2)-(4) repealed (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), **ss. 14(1)(a)**, 32(2) (with s. 14(3)(4)); S.S.I. 2020/66, reg. 2
- F2** Words in s. 13(5)(a) inserted (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), **ss. 14(1)(b)(i)**, 32(2) (with s. 14(3)(4)); S.S.I. 2020/66, reg. 2
- F3** Words in s. 13(5)(b) inserted (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), **ss. 14(1)(b)(ii)**, 32(2) (with s. 14(3)(4)); S.S.I. 2020/66, reg. 2
- F4** S. 13(5A) inserted (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), **ss. 14(1)(c)**, 32(2) (with s. 14(3)(4)); S.S.I. 2020/66, reg. 2

#### Commencement Information

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

### [<sup>F5</sup>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—
- 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
  - 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—
- in respect of which the Scottish Ministers have not yet reported on under section 33, and
  - which ends no more than 10 years after the year in which the regulations come into force.]

#### Textual Amendments

- F5** S. 13A inserted (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), **ss. 15(1)**, 32(2); S.S.I. 2020/66, reg. 2

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**F6 14     Restriction on use in 2010–2017 of carbon units purchased by Scottish Ministers**

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**Textual Amendments**

- F6** S. 14 repealed (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019](#) (asp 15), s. 32(2), [sch. para. 4](#); S.S.I. 2020/66, reg. 2

**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**

- I2** 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—

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- (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**

**I3** 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).
- [<sup>F7</sup>(3) The amount of Scottish emissions and Scottish removals of a greenhouse gas for a period must be determined, in so far as reasonably practicable, consistently with current international carbon reporting practice or, for the purposes of assessing and reporting in accordance with section 33, target-relevant international carbon reporting practice.]

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

#### Textual Amendments

- F7** S. 17(3) substituted (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), **ss. 16(1), 32(2)**; S.S.I. 2020/66, reg. 2

#### Commencement Information

- I4** 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.

[<sup>F8</sup>(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 (determined, in so far as reasonably practicable, consistently with current international carbon reporting practice or, for the purposes of assessing and reporting in accordance with section 33, target-relevant international carbon reporting practice).]

#### Textual Amendments

- F8** S. 18(2) substituted (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), **ss. 16(2), 32(2)**; S.S.I. 2020/66, reg. 2

#### Commencement Information

- I5** S. 18 in force at 31.10.2009 by [S.S.I. 2009/341](#), **art. 2(2)(a)**

### 19 International carbon reporting practice

[<sup>F9</sup>(1) 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.]

[<sup>F10</sup>(2) The following definitions also apply for the purposes of this Act—

“current international carbon reporting practice” means the most up-to-date international carbon reporting practice,

“target-relevant international carbon reporting practice” means a practice which produces results which are consistent with those which would have been produced by using the international carbon reporting practice which was current at the later of—

- (a) 30 June 2018, or
- (b) the date on which Scottish Ministers last received advice from the relevant body following a request under section 2C.]

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

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#### Textual Amendments

- F9** S. 19 renumbered as s. 19(1) (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), [ss. 16\(3\)\(a\)](#), 32(2); S.S.I. 2020/66, reg. 2
- F10** S. 19(2) inserted (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), [ss. 16\(3\)\(b\)](#), 32(2); S.S.I. 2020/66, reg. 2

#### Commencement Information

- I6** 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

- I7** S. 20 in force at 31.10.2009 by [S.S.I. 2009/341](#), [art. 2\(2\)\(a\)](#)

### [<sup>F11</sup>20A The relevant body

- (1) In this Part, the “relevant body” means—
  - (a) where no order has been made under section 24(1) designating a person or body as the advisory body, the UK Committee on Climate Change, or

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(b) where such an order has been made, the advisory body.

(2) In subsection (1)(a), the “UK Committee on Climate Change” means the Committee on Climate Change established under section 32 of the 2008 Act.]

**Textual Amendments**

**F11** S. 20A inserted (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019](#) (asp 15), s. 32(2), [sch. para. 5](#); S.S.I. 2020/66, reg. 2

**F12**<sup>21</sup> **Limits on use of carbon units**

**Textual Amendments**

**F12** S. 21 repealed (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019](#) (asp 15), s. 32(2), [sch. para. 4](#); S.S.I. 2020/66, reg. 2

**F13**<sup>22</sup> **Modifying limits on use of carbon units etc.**

**Textual Amendments**

**F13** S. 22 repealed (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019](#) (asp 15), s. 32(2), [sch. para. 4](#); S.S.I. 2020/66, reg. 2

**F14**<sup>23</sup> **Advice before setting or modifying limits on use of carbon units etc.**

**Textual Amendments**

**F14** S. 23 repealed (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019](#) (asp 15), s. 32(2), [sch. para. 4](#); S.S.I. 2020/66, reg. 2

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