



Climate Change (Scotland) Act 2009

2009 asp 12

PART 3

[^{F1}REPORTING AND PLANNING DUTIES]

Textual Amendments

- F1** Pt. 3 title substituted (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), s. 32(2), [sch. para. 12](#); S.S.I. 2020/66, reg. 2

[^{F2}Reporting

Textual Amendments

- F2** S. 33 and cross-heading substituted (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), [ss. 18, 32\(2\)](#) (with s. 11); S.S.I. 2020/66, reg. 2

33 Reports on emissions reduction targets

- (1) The Scottish Ministers must, following each target year, lay before the Scottish Parliament a report in respect of that target year.
- (2) The report must state—
 - (a) the emissions reduction target for the target year,
 - (b) whether the emissions reduction target for the target year has been met,
 - (c) the percentage by which the net Scottish emissions account for the target year is lower than the baseline,
 - (d) the amount by which the net Scottish emissions account for the target year is lower or higher than the emissions reduction target for that year, and
 - (e) the cumulative amount by which the net Scottish emissions accounts are lower or higher than the corresponding emissions reduction targets, calculated by adding each amount by which an account is lower or higher than the corresponding target for each year in the period beginning with 2018 and ending with the target year.

*Changes to legislation: There are currently no known outstanding effects for the
Climate Change (Scotland) Act 2009, Part 3. (See end of Document for details)*

- (3) The Scottish Ministers must—
- (a) use target-relevant international carbon reporting practice for the purposes of assessing and reporting on the matters mentioned in subsection (2) and, in doing so, determine each figure and amount in a manner as would be consistent with the most up-to-date advice provided by the relevant body on the methods to be used for that purpose, and
 - (b) specify in the report the methods used to determine each figure and amount in accordance with paragraph (a).
- (4) The report under this section must be laid before the Parliament as soon as reasonably practicable after the information to be contained in the report becomes available.]

[^{F3}34 Reports on emissions reduction targets: further content

- (1) A report under section 33 must, in addition to the matters required under that section, state—
- (a) in relation to net Scottish emissions of greenhouse gases—
 - (i) the baseline,
 - (ii) the aggregate amount of net Scottish emissions of greenhouse gases for the year covered by the report,
 - (iii) the percentage by which the aggregate amount of net Scottish emissions of greenhouse gases for the year covered by the report is lower than the baseline,
 - (iv) the percentage by which the aggregate amount of net Scottish emissions of greenhouse gases for the year covered by the report is lower or higher than the equivalent amount for the immediately preceding year, and
 - (v) the methods used to determine the aggregate amount of net Scottish emissions of greenhouse gases, together with details of any changes to those methods,
 - (b) in relation to the net Scottish emissions account—
 - (i) its amount for the year covered by the report,
 - (ii) the percentage by which the account for the year covered by the report is lower than the baseline,
 - (iii) the percentage by which the account for the year covered by the report is lower or higher than the equivalent account for the immediately preceding year, and
 - (iv) the percentage of any reduction in the account for the year covered by the report, relative to the equivalent account for the immediately preceding year, which is accounted for by reductions in net Scottish emissions of greenhouse gases,
 - (c) the total amount of carbon units that were—
 - (i) credited to or debited from the net Scottish emissions account for the year covered by the report,
 - (ii) purchased by the Scottish Ministers in the year covered by the report, and
 - (iii) held by the Scottish Ministers immediately after the end of the year covered by the report and which remained available to offset greenhouse gas emissions for other target years,

Changes to legislation: There are currently no known outstanding effects for the Climate Change (Scotland) Act 2009, Part 3. (See end of Document for details)

- (d) for each target year preceding the year covered by the report—
 - (i) the aggregate amount of net Scottish emissions of greenhouse gases, and
 - (ii) the amount of the net Scottish emissions account, and
 - (e) the fair and safe Scottish emissions budget, and the aggregate amount of net Scottish emissions of greenhouse gases for the period from 2010 to the end of the year covered by the report.
- (2) The Scottish Ministers must use current international carbon reporting practice for the purposes of assessing and reporting on the matters mentioned in subsection (1).
- (3) If the methods used to determine net Scottish emissions of greenhouse gases change and that change is such as to require adjustment of an amount for an earlier target year, the report must—
- (a) specify the adjustment required and state the adjusted amount, and
 - (b) explain why the adjustment is required.
- (4) An adjustment under subsection (3) must, in so far as reasonably practicable, be made in accordance with current international carbon reporting practice.
- (5) The report may contain such other information as the Scottish Ministers consider appropriate.]

Textual Amendments

- F3** S. 34 substituted (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019](#) (asp 15), **ss. 19, 32(2)**; S.S.I. 2020/66, reg. 2

Commencement Information

- I1** S. 34 in force at 31.10.2009 by S.S.I. 2009/341, **art. 2(2)(a)**

[^{F4}Climate change plan

Textual Amendments

- F4** Ss. 35-35C and cross-heading substituted for s. 35 (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019](#) (asp 15), **ss. 24(1), 32(2)**; S.S.I. 2020/66, reg. 2

35 Climate change plan

- (1) The Scottish Ministers must lay a climate change plan before the Scottish Parliament—
- (a) in the case of the first plan, before the end of the period of 5 years beginning with the day on which this section comes into force,
 - (b) in the case of each subsequent plan, before the end of the period of 5 years beginning with the day on which the previous plan was laid.
- (2) The plan must, in particular, set out—
- (a) the Scottish Ministers' proposals and policies for meeting the emissions reduction targets during the plan period,

Changes to legislation: There are currently no known outstanding effects for the Climate Change (Scotland) Act 2009, Part 3. (See end of Document for details)

- (b) those proposals and policies in chapters on—
 - (i) each of the sectors mentioned in subsection (3), and
 - (ii) such other sectors or topics as the Scottish Ministers consider appropriate for the plan, and
 - (c) the timescales over which those proposals and policies are expected to take effect.
- (3) The sectors referred to in subsection (2)(b)(i) are—
- (a) energy supply,
 - (b) transport (including international aviation and shipping),
 - (c) business and industrial process,
 - (d) residential and public (in relation to buildings in those sectors),
 - (e) waste management,
 - (f) land use, land use change and forestry,
 - (g) agriculture.
- (4) In subsection (2), the “plan period” means the period of—
- (a) 15 years beginning with the year after the year in which the draft plan is laid before the Parliament, or
 - (b) such other period of between 10 and 20 years beginning with that year as the Scottish Ministers may specify in the plan in order that the period ends in the same year as an interim target or the net-zero emissions target year.
- (5) The plan must also set out the Scottish Ministers' proposals and policies regarding the respective contributions towards meeting the emissions reduction targets that should be made by each of the sectors mentioned in subsection (3).
- (6) Without prejudice to the generality of subsection (5), the plan must in particular set out the Scottish Ministers' proposals and policies for—
- (a) the establishment of any regional land use partnerships (subject to such partnerships having not already been established), and
 - (b) the support to and resourcing of any regional land use partnerships to develop frameworks.
- (7) For the purposes of this section—
- “regional land use partnership” is a partnership established in a strategy under section 57,
 - “frameworks” are frameworks created by a regional land use partnership.
- (8) The plan must also set out the Scottish Ministers' proposals and policies regarding the exploitation of fossil fuels including onshore unconventional oil and gas reserves.
- (9) The plan must also set out the Scottish Ministers' proposals and policies regarding the development of district heating for new developments, where feasible.
- (10) The plan must also set out the Scottish Ministers' proposals and policies regarding the public procurement of electric vehicles.
- (11) The plan must also set out the Scottish Ministers' proposals and policies for improved access to electric vehicle charging stations for those living in tenements within the meaning of section 26 of the Tenements (Scotland) Act 2004.

Changes to legislation: There are currently no known outstanding effects for the Climate Change (Scotland) Act 2009, Part 3. (See end of Document for details)

- (12) The plan must also set out the Scottish Ministers' proposals and policies regarding public procurement of ultra-low emission vehicles.
- (13) The plan must also set out the Scottish Ministers' proposals and policies regarding—
- (a) the establishment of a whole farm approach to emissions accounting on Scottish farms,
 - (b) the reduction of Scottish whole farm greenhouse gas emissions through the use of—
 - (i) research,
 - (ii) knowledge transfer and advice,
 - (iii) land management accreditation, including organic farming,
 - (iv) nutrient resource budgeting,
 - (v) circular economy initiatives,
 - (vi) energy generation and efficiency,
 - (vii) any land use strategy prepared under section 57,
 - (viii) agroecology,
 - (ix) carbon sequestration,
 - (x) agroforestry.
- (14) For the purposes of subsection (13)—
- “agroecology” means a whole farm approach to land and resource management which integrates the production of food with restoration and maintenance of the natural environment and other social benefits, taking into account the wider impact of the farm's activities,
- “whole farm” has the same combined meaning as “agriculture”, “agricultural land” and “agricultural unit” as in section 86 of the Agriculture (Scotland) Act 1948.
- (15) The plan must also set out the Scottish Ministers' proposals and policies regarding the consideration of the potential for the capture and long-term storage of carbon when designating marine protected areas under section 67 of the Marine (Scotland) Act 2010.
- (16) The plan must also set out the Scottish Ministers' proposals and policies regarding the establishment of a fund, to be known as an Agricultural Modernisation Fund, to support investment in mitigation measures to reduce greenhouse gas emissions on Scottish farms.
- (17) Without prejudice to the generality of subsection (2), the plan must set out what (if any) measures the Scottish Ministers propose to take during the plan period to ensure that emissions from housing are reduced such that the majority of housing in Scotland achieves an energy performance certificate rating of “C” or above, where practical.
- (18) The plan must also set out the Scottish Ministers' proposals and policies for taking, or supporting, action to reduce emissions of greenhouse gases (whether in Scotland or elsewhere) which are produced by or otherwise associated with the consumption and use of goods and services in Scotland.
- (19) The plan must also set out the Scottish Ministers' proposals and policies for supporting, including by the sharing of expertise and technology, action in developing countries to reduce emissions of greenhouse gases and adapt to the effects of climate change.

*Changes to legislation: There are currently no known outstanding effects for the
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- (20) The plan must also, with reference to the just transition principles (see section 35C)—
 - (a) explain how the proposals and policies set out in the plan are expected to affect different sectors of the Scottish economy and different regions in Scotland, including how they are expected to affect employment in those sectors and regions, and
 - (b) set out the Scottish Ministers' proposals and policies for supporting the workforce, employers and communities in those sectors and regions.
- (21) The plan must also set out an estimate of the costs and benefits associated with the policies set out in the plan.
- (22) In preparing a plan under subsection (1), the Scottish Ministers must have regard to—
 - (a) the just transition principles (see section 35C), and
 - (b) the climate justice principle.
- (23) In subsection (22)(b), the “climate justice principle” is the importance of taking action to reduce global emissions of greenhouse gases and to adapt to the effects of climate change in ways which—
 - (a) support the people who are most affected by climate change but who have done the least to cause it and are the least equipped to adapt to its effects, and
 - (b) help to address inequality.
- (24) Each plan under this section must explain—
 - (a) the extent to which it takes account of the just transition principles,
 - (b) how the implementation of the plan is expected to contribute to the achievement of sustainable development, including the achievement of the United Nations sustainable development goals.
- (25) Each plan under this section—
 - (a) must contain an assessment of the progress towards implementing proposals and policies set out in the immediately preceding plan, and
 - (b) may make such adjustments to those proposals and policies as the Scottish Ministers consider appropriate.
- (26) For the purposes of subsection (25), the “immediately preceding plan” includes the most recent report on proposals and policies for meeting annual targets which was laid by the Scottish Ministers under section 35 of this Act before the date on which section 24 of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 came into force.
- (27) The Scottish Ministers may by regulations modify subsection (3).
- (28) Any modification made in regulations under subsection (27) must be consistent with international carbon reporting practice.

35A Climate change plan: further procedure

- (1) The Scottish Ministers must, before laying a climate change plan under section 35 before the Scottish Parliament—
 - (a) lay a draft of the plan before the Parliament for a period of 120 days, of which no fewer than 60 must be days on which the Parliament is not dissolved or in recess, and
 - (b) have regard to—

Changes to legislation: There are currently no known outstanding effects for the Climate Change (Scotland) Act 2009, Part 3. (See end of Document for details)

- (i) any representations on the draft plan made to them,
 - (ii) any views on the draft plan set out by the relevant body in a report under section 9(1)(d),
 - (iii) any resolution relating to the draft plan passed by the Parliament, and
 - (iv) any report relating to the draft plan published by any committee of the Parliament for the time being appointed by virtue of standing orders.
- (2) The Scottish Ministers must, when laying a climate change plan under section 35 before the Parliament, lay a statement setting out—
 - (a) details of any representations, views, resolutions or reports mentioned in subsection (1)(b),
 - (b) the changes (if any) they have made to the plan in response to such representations, views, resolutions or reports and the reasons for those changes.

35B Climate change plan: annual progress reports

- (1) The Scottish Ministers must in each relevant year, lay before the Scottish Parliament a report on each substantive chapter of the most recent climate change plan laid under section 35.
- (2) Each report laid under subsection (1) must contain an assessment of progress towards implementing the proposals and policies set out in that chapter, including proposals and policies for supporting the workforce, employers and communities.
- (3) A report under subsection (1) must be laid by 31 May in each relevant year or, if the Scottish Ministers consider that is not possible because the information needed for the report is not available, as soon as reasonably practicable after that date.
- (4) In this section—
 - (a) “relevant year” means—
 - (i) 2021, and
 - (ii) each subsequent year, other than any year in which a climate change plan is laid before the Scottish Parliament under section 35(1), and
 - (b) “substantive chapter” means a chapter of the climate change plan which is included in the plan by virtue of section 35(2)(b) and which contains distinct proposals and policies for meeting the emissions reduction targets during the plan period.
- (5) Until such time as the first climate change plan is laid under section 35, subsection (1) is to be read as if it—
 - (a) applied in relation to the most recent report on proposals and policies for meeting annual targets which was laid by the Scottish Ministers under section 35 of this Act before the date on which section 24 of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 came into force, and
 - (b) required a report on each chapter of that most recent report which contains distinct proposals and policies for meeting the targets to which the report relates during the period covered by the report.

Changes to legislation: There are currently no known outstanding effects for the Climate Change (Scotland) Act 2009, Part 3. (See end of Document for details)

35C Just transition principles

- (1) In this Act, the “just transition principles” are the importance of taking action to reduce net Scottish emissions of greenhouse gases in a way which—
- (a) supports environmentally and socially sustainable jobs,
 - (b) supports low-carbon investment and infrastructure,
 - (c) develops and maintains social consensus through engagement with workers, trade unions, communities, non-governmental organisations, representatives of the interests of business and industry and such other persons as the Scottish Ministers consider appropriate,
 - (d) creates decent, fair and high-value work in a way which does not negatively affect the current workforce and overall economy,
 - (e) contributes to resource efficient and sustainable economic approaches which help to address inequality and poverty.
- (2) The Scottish Ministers may by regulations modify subsection (1).]

36 Reports on proposals and policies where annual targets not met

- [^{F5}(1) This section applies if the Scottish Ministers lay a report under section 33 which states that an emissions reduction target has not been met.]
- (2) As soon as reasonably practicable after the report referred to in [^{F6}subsection (1)] has been laid, the Scottish Ministers must lay a report before the Scottish Parliament setting out proposals and policies to compensate in future years for the excess emissions.

Textual Amendments

- F5** S. 36(1) substituted (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), **ss. 20(2)**, 32(2); S.S.I. 2020/66, reg. 2
- F6** Words in s. 36(2) substituted (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), **ss. 20(3)**, 32(2); S.S.I. 2020/66, reg. 2

Commencement Information

- I2** S. 36 in force at 31.10.2009 by [S.S.I. 2009/341](#), **art. 2(2)(a)**

[^{F7}Other reporting provisions]

Textual Amendments

- F7** S. 37 cross-heading inserted (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), s. 32(2), **sch. para. 10**; S.S.I. 2020/66, reg. 2

37 Reports on emissions attributable to Scottish consumption of goods and services

- (1) The Scottish Ministers must lay before the Scottish Parliament a report in respect of each year in the period 2010–2050 containing the following information.
- (2) The report must, in so far as reasonably practicable, set out

Changes to legislation: There are currently no known outstanding effects for the Climate Change (Scotland) Act 2009, Part 3. (See end of Document for details)

- [^{F8}(a) the emissions of greenhouse gases (whether in Scotland or elsewhere) which are produced by or otherwise associated with the consumption and use of goods and services in Scotland during that year.]
 - [^{F9}(b) the goods and services the consumption and use of which contributed most significantly to those emissions.]
- (3) The report may also contain such other information as the Scottish Ministers consider appropriate.
- [^{F10}(4) Each report under subsection (1) must be laid before the Scottish Parliament within the period of 15 months beginning on the date on which the previous report under that subsection was so laid.]

Textual Amendments

- F8** Words in s. 37(2) renumbered as s. 37(2)(a) (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), **ss. 21(a)(i)**, 32(2); S.S.I. 2020/66, reg. 2
- F9** S. 37(2)(b) inserted (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), **ss. 21(a)(ii)**, 32(2); S.S.I. 2020/66, reg. 2
- F10** S. 37(4) inserted (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), **ss. 21(b)**, 32(2); S.S.I. 2020/66, reg. 2

Commencement Information

- I3** S. 37 in force at 31.10.2009 by [S.S.I. 2009/341](#), **art. 2(2)(a)**

[^{F11}37A Reports on land use strategy

- (1) The Scottish Ministers must lay before the Scottish Parliament a report on—
 - (a) the assessment of progress towards implementing the objectives, proposals and policies of the land use strategy under section 57, and
 - (b) how these objectives, proposals and policies will contribute towards achieving the targets in the Act.
- (2) The Scottish Ministers must—
 - (a) publish each report prepared under subsection (1), and
 - (b) lay a copy of it before the Scottish Parliament,as soon as reasonably practicable after the end of each financial year.
- (3) The report may also contain such other information as the Scottish Ministers consider appropriate.]

Textual Amendments

- F11** S. 37A inserted (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), **ss. 22**, 32(2); S.S.I. 2020/66, reg. 2

[^{F12}38 Reports on impact on emissions of exercise of electricity generation related functions

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Changes to legislation: There are currently no known outstanding effects for the Climate Change (Scotland) Act 2009, Part 3. (See end of Document for details)

Textual Amendments

F12 Ss. 38-41 repealed (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019](#) (asp 15), s. 32(2), [sch. para. 11](#); S.S.I. 2020/66, reg. 2

^{F12}39 Report on progress towards meeting the interim target

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Textual Amendments

F12 Ss. 38-41 repealed (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019](#) (asp 15), s. 32(2), [sch. para. 11](#); S.S.I. 2020/66, reg. 2

^{F12}40 Report on the interim target

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Textual Amendments

F12 Ss. 38-41 repealed (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019](#) (asp 15), s. 32(2), [sch. para. 11](#); S.S.I. 2020/66, reg. 2

^{F12}41 Report on the 2050 target

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Textual Amendments

F12 Ss. 38-41 repealed (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019](#) (asp 15), s. 32(2), [sch. para. 11](#); S.S.I. 2020/66, reg. 2

42 Reports: provision of further information to the Scottish Parliament

- (1) Where the Scottish Ministers lay a report mentioned in subsection (2) before the Scottish Parliament, they must—
- (a) immediately send a copy of the report to the persons who convene and chair such committees of the Scottish Parliament as are for the time being appointed by virtue of standing orders; and
 - (b) as soon as reasonably practicable after doing so, and in so far as reasonably practicable, make a statement to the Parliament relating to the report.

[^{F13}(1A) If the emissions reduction target for the target year covered by the report has not been met, the statement made under subsection (1)(b) must explain why.]

- (2) Those reports are reports under—
- (a) section 33(1) (report on [^{F14}emissions reduction targets]);

Changes to legislation: There are currently no known outstanding effects for the Climate Change (Scotland) Act 2009, Part 3. (See end of Document for details)

- (b) section 36(2) (report on proposals and policies to compensate for excess emissions);
- ^{F15}(c)
- ^{F15}(d)
- (3) Where the Scottish Ministers lay a [^{F16}report on emissions reduction targets under section 33], they must also, as soon as reasonably practicable after doing so, and in so far as reasonably practicable, attend, if invited, the proceedings of any such committees of the Scottish Parliament as are for the time being appointed by virtue of standing orders, for the purposes of giving evidence on the report.
- (4) The Scottish Ministers must have regard to—
 - (a) any resolution passed by the Scottish Parliament;
 - (b) any report published by any committee of the Parliament for the time being appointed by virtue of standing orders,relating to the content of any report referred to in subsection (2).

Textual Amendments

- F13** S. 42(1A) inserted (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), **ss. 23(2)**, 32(2); S.S.I. 2020/66, reg. 2
- F14** Words in s. 42(2)(a) substituted (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), **ss. 23(3)(a)**, 32(2); S.S.I. 2020/66, reg. 2
- F15** S. 42(2)(c)(d) repealed (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), **ss. 23(3)(b)**, 32(2); S.S.I. 2020/66, reg. 2
- F16** Words in s. 42(3) substituted (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), **ss. 23(4)**, 32(2); S.S.I. 2020/66, reg. 2

Commencement Information

- I4** S. 42 in force at 31.10.2009 by [S.S.I. 2009/341](#), **art. 2(2)(a)**

43 Further provision about reporting duties

- (1) The Scottish Ministers may, if they consider it appropriate to do so, by order, make further provision imposing duties on themselves to report to the Scottish Parliament.
- (2) An order under subsection (1) may in particular—
 - (a) provide for the information to be provided under the duties;
 - (b) provide for the period in relation to which that information is to be provided;
 - (c) provide for the period within which that information is to be provided.

Commencement Information

- I5** S. 43 in force at 31.10.2009 by [S.S.I. 2009/341](#), **art. 2(2)(a)**

Changes to legislation:

There are currently no known outstanding effects for the Climate Change (Scotland) Act 2009, Part 3.