



2022 CHAPTER 31

PART 1

Emissions Targets And Sectoral Plans

The emissions targets

The emissions targets for 2050

1.—(1) The Northern Ireland departments must ensure that the net Northern Ireland emissions account for the year 2050 is at least 100% lower than the baseline.

(2) The Northern Ireland departments must ensure that the net Northern Ireland emissions account for carbon dioxide for the year 2050 is at least 100% lower than the baseline for carbon dioxide.

(3) The duty in subsection (1) does not require the net Northern Ireland emissions account for methane for the year 2050 to be more than 46% lower than the baseline for methane.

Emissions targets for 2030 and 2040

2.—(1) The Department must set targets for the years 2030 and 2040 that are in line with the target for the year 2050.

(2) Proposed targets for the years 2030 and 2040 must be laid before the Assembly within 24 months of this Act receiving Royal Assent and be approved by draft affirmative resolution.

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The emissions target for 2040

3. The Northern Ireland departments must ensure that the net Northern Ireland emissions account for the year 2040 is in line with the target for the year 2050.

The emissions target for 2030

4. The Northern Ireland departments must ensure that the net Northern Ireland emissions account for the year 2030 is at least 48% lower than the baseline.

Power to amend targets

Power to amend emissions targets

5.—(1) The Department may by regulations amend section 1, 3 or 4 so as to specify—

- (a) for a particular emissions target, an earlier year than that for the time being specified;
- (b) for a particular year, a higher percentage than that for the time being specified.

(2) The Department may by regulations amend this Part so as to impose a duty on the Northern Ireland departments to ensure that the net Northern Ireland emissions account for a specified year is at least a specified percentage lower than the baseline.

(3) See section 54 for restrictions on the powers conferred by subsections (1) and (2).

Duty to consider whether to revise targets

6.—(1) The Department must consider whether the targets in sections 3 and 4 are consistent with meeting the emissions target in section 1(1).

(2) In relation to each of the targets in sections 3 and 4, the Department must either—

- (a) lay before the Assembly draft regulations under section 5 to amend the target so as to be consistent with the target in section 1(1), or
- (b) lay before the Assembly a statement explaining why it considers that the target does not need to be amended.

(3) The Department must lay draft regulations or a statement in relation to each target within the period of 2 years beginning with the day on which this Act receives Royal Assent.

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(4) Section 54(2) does not apply to regulations laid before the Assembly under subsection (2)(a).

Meaning of key concepts

Meaning of “baseline”

7.—(1) The baseline is the aggregate amount of net Northern Ireland emissions of each greenhouse gas mentioned in the following table in the year specified in relation to that gas—

| <i>Greenhouse gas</i> | <i>Year</i> |
|-----------------------|-------------|
| Carbon dioxide | 1990 |
| Methane | 1990 |
| Nitrous oxide | 1990 |
| Hydrofluorocarbons | 1995 |
| Perfluorocarbons | 1995 |
| Sulphur hexafluoride | 1995 |
| Nitrogen trifluoride | 1995 |

(2) The baseline for carbon dioxide is the amount of net Northern Ireland emissions of carbon dioxide in 1990.

(3) The baseline for methane is the amount of net Northern Ireland emissions of methane in 1990.

(4) The Department may by regulations amend—

- (a) the table in subsection (1) so as to specify a different year in relation to a greenhouse gas, or
- (b) subsection (2) or (3) so as to specify a different year in relation to carbon dioxide or methane.

(5) See section 55 for restrictions on the powers conferred by subsection (4).

Meaning of “net Northern Ireland emissions account”

8.—(1) The net Northern Ireland emissions account for a year is determined as follows—

- (a) take the aggregate amount of net Northern Ireland emissions of each greenhouse gas for that year (which is to be determined in accordance with sections 9 and 10),

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- (b) deduct the amount of carbon units that are to be credited to the net Northern Ireland emissions account for that year (in accordance with regulations under section 11), and
 - (c) add the amount of carbon units that are to be debited from the net Northern Ireland emissions account for that year (also in accordance with regulations under section 11).
- (2) Subsection (1) does not apply in relation to the net Northern Ireland emissions account for carbon dioxide for 2050 or the net Northern Ireland emissions account for methane for 2050 (see subsections (3) and (4)).
- (3) The net Northern Ireland emissions account for carbon dioxide for 2050 is determined as follows—
- (a) take the amount of net Northern Ireland emissions of carbon dioxide for 2050 (which is to be determined in accordance with sections 9 and 10),
 - (b) deduct the amount of carbon units that are to be credited to the net Northern Ireland emissions account for carbon dioxide for 2050 (in accordance with regulations under section 11), and
 - (c) add the amount of carbon units that are to be debited from the net Northern Ireland emissions account for carbon dioxide for 2050 (also in accordance with regulations under section 11).
- (4) The net Northern Ireland emissions account for methane for 2050 is the amount of net Northern Ireland emissions of methane for 2050 (which is to be determined in accordance with sections 9 and 10).

Meaning of underlying concepts

Meaning of “net Northern Ireland emissions”

- 9.—(1) The amount of net Northern Ireland emissions of a greenhouse gas for a period is—
- (a) the amount of Northern Ireland emissions of the gas for the period (see subsection (2)),
minus
 - (b) the amount of Northern Ireland removals of the gas for the period (see subsection (3)).
- (2) The Northern Ireland emissions of a gas for a period are—
- (a) emissions of the gas from sources in Northern Ireland in the period, and
 - (b) emissions of the gas from international aviation or international shipping that count as Northern Ireland emissions for the period (as determined by regulations under section 10).

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(3) The Northern Ireland removals of a gas for a period are removals of the gas from the atmosphere in the period due to—

- (a) land use in Northern Ireland;
- (b) land-use change in Northern Ireland;
- (c) forestry activities in Northern Ireland; and
- (d) the use of carbon capture and storage technology in Northern Ireland.

(4) The Department may by regulations amend subsection (3) so as to amend the definition of Northern Ireland removals.

(5) The amounts of Northern Ireland emissions and Northern Ireland removals of a gas for a period must be determined consistently with international carbon reporting practice (see section 63).

Meaning of “Northern Ireland emissions”: international aviation and shipping

10.—(1) The Department may by regulations make provision for emissions of a greenhouse gas from international aviation or international shipping to count as Northern Ireland emissions of the gas.

(2) The regulations may—

- (a) specify activities which are to be regarded as international aviation or international shipping;
- (b) specify the circumstances in which, and the extent to which, emissions of a greenhouse gas from international aviation or international shipping are to count as Northern Ireland emissions of that gas;
- (c) specify the period (whether past or future) for which emissions of a greenhouse gas from international aviation or international shipping are to count as Northern Ireland emissions of that gas;
- (d) make provision about how emissions of a greenhouse gas from international aviation or international shipping are to be taken into account in determining Northern Ireland emissions of that gas for the year specified in section 7(1) in relation to it.

Crediting and debiting of carbon units

11.—(1) The Department may by regulations make provision about—

- (a) the circumstances in which carbon units may or may not be credited to the net Northern Ireland emissions account for a period,
- (b) the circumstances in which carbon units may or may not be debited from that account for a period, and
- (c) how that is to be done.

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Section 59 explains what a “carbon unit” is.

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

(3) The regulations must set a limit on the net amount of carbon units by which the net Northern Ireland emissions account for a period may be reduced as a result of applying provision made under subsection (1)(a) and (b); and that limit must not be greater than 25% of the aggregate amount of net Northern Ireland emissions of each greenhouse gas for that period (as determined in accordance with sections 9 and 10).

(4) The regulations may provide that carbon units of a description specified in the regulations do not count towards the limit.

(5) The regulations may make provision about the crediting of carbon units to, and the debiting of carbon units from, the net Northern Ireland emissions account for carbon dioxide for 2050.

(6) The amount of carbon units that are to be credited to the net Northern Ireland emissions account for carbon dioxide for 2050 must not be greater than—

$$\text{Total credits} \quad \times \quad \frac{\text{CO}_2 \text{ emissions}}{\text{Total emissions}}$$

(7) If—

(a) carbon units are credited to the net Northern Ireland emissions account for carbon dioxide for 2050, and

(b) carbon units are debited from the net Northern Ireland emissions account for 2050,

carbon units must be debited from the net Northern Ireland emissions account for carbon dioxide for 2050; and the amount of carbon units so debited must not be less than—

$$\text{Total debits} \quad \times \quad \frac{\text{CO}_2 \text{ emissions}}{\text{Total emissions}}$$

(8) In subsections (6) and (7)—

“Total credits” is the amount of carbon units that are credited to the net Northern Ireland emissions account for 2050;

“Total debits” is the amount of carbon units that are debited from the net Northern Ireland emissions account for 2050;

“CO₂ emissions” is the amount of net Northern Ireland emissions of carbon dioxide for 2050;

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“Total emissions” is the aggregate amount of net Northern Ireland emissions of each greenhouse gas for 2050.

Carbon units: accounting scheme

- 12.**—(1) The Department may by regulations make provision for a scheme—
- (a) for registering or otherwise keeping track of carbon units, or
 - (b) for establishing and maintaining accounts in which carbon units may be held, and between which they may be transferred, by the Department.
- (2) The regulations may provide for an existing scheme to be adapted for those purposes.
- (3) The regulations may—
- (a) appoint a person or body (an “administrator”) to administer the scheme, or provide that the Department is to do so;
 - (b) establish a body for the purpose of administering the scheme and make provision in relation to the appointment of members, staffing, expenditure and procedure of that body;
 - (c) confer or impose functions on the administrator for the purpose of administering the scheme;
 - (d) confer power on the Department to give guidance or directions to the administrator;
 - (e) require the payment by persons using the scheme of charges (of an amount determined by or under the regulations) towards the cost of operating it.
- (4) If regulations adapt an existing scheme or appoint an existing person to administer the scheme, the regulations may amend any statutory provision relating to the existing scheme or existing person.

Sectoral plans

Sectoral plans

- 13.**—(1) The Northern Ireland departments must develop and publish plans for areas of the economy, to be known as sectoral plans, setting out how the targets in sections 1, 3 and 4 will be achieved by sector.
- (2) These must include proposals and policies to ensure the targets set out in sections 1, 3 and 4 are achieved.
- (3) Interim sectoral reports must be published in line with the targets set out in sections 1, 3 and 4.
- (4) Sectoral plans shall also support a just transition by—

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- (a) supporting the creation of secure green jobs and building pathways into green careers in partnership with industry and unions, with workers' rights and health and safety at the centre;
- (b) ensuring that workers and communities dependent on the high carbon economy are supported with the transition;
- (c) supporting the transition to a green economy with net-zero carbon investment and infrastructure; and
- (d) tackling inequality and breaking down barriers of division.

(5) The Department must make arrangements with the other Northern Ireland departments to secure co-operation and the submission of information for subsection (1), including the format and detail of the requirement outlined in subsection (3).

Sectoral plans for energy

14.—(1) The Department for the Economy must develop and publish sectoral plans for the energy sector setting out how the sector will contribute to the achievement of the targets in sections 1, 3 and 4.

(2) Sectoral plans for energy must include proposals and policies for energy production and the supply of private and public heating and cooling systems.

Renewable electricity consumption

15. The Department for the Economy must ensure that at least 80% of electricity consumption is from renewable sources by 2030.

Sectoral plans for infrastructure

16.—(1) The Department for Infrastructure must develop and publish sectoral plans for the infrastructure sector setting out how the sector will contribute to the achievement of the targets in sections 1, 3 and 4.

(2) Sectoral plans for infrastructure must include proposals and policies for planning and construction.

Sectoral plans for industrial processes

17. The Department for the Economy must develop and publish sectoral plans for the industrial processes sector setting out how the sector will contribute to the achievement of the targets in sections 1, 3 and 4.

Sectoral plans for waste management

18.—(1) The Department must ensure that at least 70% of waste is recycled by 2030.

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(2) The Department must develop and publish sectoral plans for the waste management sector setting out how the sector will contribute to the achievement of the targets in sections 1, 3 and 4 and subsection (1) of this section.

Sectoral plans for agriculture

19.—(1) The Department must develop and publish sectoral plans for the agriculture sector setting out how the sector will contribute to the achievement of the targets in sections 1, 3 and 4.

(2) Sectoral plans for agriculture must contain proposals for carrying out fully funded carbon audits of farms to assess where performance improvements and savings can be made.

(3) As part of the carbon auditing process, carbon sequestration measures already being conducted by the sector should be calculated.

Sectoral plans for fisheries

20.—(1) The Department must develop and publish sectoral plans for the fisheries sector setting out how the sector will contribute to the achievement of the targets in sections 1, 3 and 4.

(2) Sectoral plans for fisheries must include proposals and policies for sea fisheries and the inland fisheries industry.

Sectoral plans for transport

21.—(1) The Department for Infrastructure must develop and publish sectoral plans for the transport sector setting out how the sector will contribute to the achievement of the targets in sections 1, 3 and 4.

(2) Sectoral plans for transport must include proposals and policies for public and private transport.

Active travel

22. The Department for Infrastructure must develop sectoral plans for transport which set a minimum spend on active travel from the overall transport budgets of 10%.