

CLIMATE CHANGE (SCOTLAND) ACT 2009

EXPLANATORY NOTES

THE ACT

Part 1 – Emissions Reduction Targets

Scottish share of emissions from international aviation and international shipping

38. **Section 16** allows the Scottish Ministers to make provision, by order, for a proportion of emissions from international aviation and international shipping to be attributed to Scotland. Subsection (2) provides that orders must make provision for emissions of each greenhouse gas in the list in section 10(1) and any greenhouse gas added to that list to be taken into account in the period starting with 1 January following on from the order being approved by the Parliament and ending on 31 December 2050. Also, orders must make provision regarding the manner in which such emissions are to be taken into account in determining Scottish emissions of that gas for the baseline year and in the period in which such emissions of that gas are to be taken into account as Scottish emissions. Subsection (2) also provides that an order 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 such a gas. Once such emissions of greenhouse gases are being taken into account an order may not provide that they cease to be so taken into account.
39. Subsection (3) requires that provision made by virtue of an order under subsection (1) must, for each greenhouse gas, include the use of a multiplier which reflects the climate change impacts of emissions made at altitude by international aviation. Subsections (4) and (5) provide that a first draft order must be laid before the Scottish Parliament no later than 1 June 2010, or as soon as reasonably practicable afterwards. Before laying such an order, the Scottish Ministers must, in terms of subsection (6), seek advice from the relevant body. Subsection (7) provides that if this advice is not followed, the Scottish Ministers must publish a statement explaining why they are following a different approach.