

CLIMATE CHANGE (SCOTLAND) ACT 2009

EXPLANATORY NOTES

THE ACT

Part 1 – Emissions Reduction Targets

Modifying annual targets etc.

22. [Section 6](#) allows the Scottish Ministers to modify, by order, the minimum annual target percentage reduction applying from 2020, annual targets, dates by which annual targets must be set and the target-setting criteria. The annual targets set by order may be modified only if the Scottish Ministers consider it appropriate to do so as a result of a modification of the interim target or if there has been another significant change to the basis on which the annual target was set. Subsections (2) and (3) place a requirement on the Scottish Ministers to lay a report before the Parliament at the same time as laying the draft modifying order explaining why the modification is required and to make a statement to the Parliament relating to this report.
23. Subsections (4) and (7) constrain the ability to modify the 3% minimum reduction in emissions so that this can be used only where it is no longer considered necessary for that minimum to be achieved, and it can expressly not be used to substitute a percentage of less than zero. Subsection (6) provides that an order modifying either the date by which annual targets are to be set, or the target-setting criteria, may be made only where the Scottish Ministers consider it appropriate. Subsection (8) constrains the ability to modify annual targets so that it can be exercised only before the beginning of the year to which the target relates and cannot be used if it would result in the target for the year being greater than the target for the preceding year (i.e. allowing emissions to increase between years).