

CLIMATE CHANGE (SCOTLAND) ACT 2009

EXPLANATORY NOTES

THE ACT

Part 5 – Other Climate Change Provisions

Chapter 4 – The Scottish civil estate

Energy performance of buildings procured for the Scottish civil estate.

145. Section 75(1) places a duty on the Scottish Ministers to ensure, in so far as reasonably practicable, that the energy performance of any building that becomes part of the civil estate in Scotland falls within the top quartile of energy performance.
146. Subsection (2) sets out the criteria that determine the circumstances in which a building becomes part of the civil estate in Scotland.
147. Subsection (3) enables the Scottish Ministers to disapply the duty that a building or category of buildings must fall in the top quartile of energy performance by making regulations to that effect. This may be necessary, for example where there is an operational need to locate in a specific area or in rural areas where it is unlikely that there may be any buildings that fall into the top quartile of energy performance.

Report on the Scottish civil estate

148. Section 76(1) requires the Scottish Ministers, for each financial year beginning with 2010 to 2011, to lay before the Scottish Parliament a report containing an assessment of the progress made in the year towards improving (a) the efficiency of buildings that are part of the civil estate in Scotland; and (b) the contribution to sustainability of those buildings.
149. If a building, the energy performance of which does not fall within the top quartile, becomes part of the civil estate during the year, subsection (2) requires the report for that year to explain why.
150. Subsection (4) contains the deadline by which reports under subsection (1) are to be laid before the Scottish Parliament. For example, for the financial year which ends on 31 March 2011, the report must be laid no later than 31 October 2011.

Scottish civil estate: supplementary

151. Section 77(1) defines the term “building” for the purposes of this section and sections 75 and 76 and sets out what buildings are to be considered as being part of the civil estate in Scotland for these sections.
152. Subsection (2) contains an order-making power to allow specific descriptions of buildings to be included in or excluded from the scope of sections 75 to 77.