

CLIMATE CHANGE (EMISSIONS REDUCTION TARGETS) (SCOTLAND) ACT 2019

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 - Emissions Reduction Targets

The 2050 and interim targets

Section 2 – The 2050 target

16. Section 2 repeals section 1 (the 2050 target) of the 2009 Act. Section 1 of the 2009 Act previously imposed a duty on the Scottish Ministers to ensure that the net Scottish emissions account for the year 2050 is at least 80% lower than the baseline. Such a target has now been superseded by section A1 (inserted by section 1 of the Act), which sets 2045 as the net-zero emissions target year.

Section 3 – The interim targets

17. Section 3 substitutes section 2 (the interim targets) of the 2009 Act with a new section 2. The previous section 2 imposed a duty on the Scottish Ministers to ensure that the net Scottish emissions account for the year 2020 is at least 42% lower than the baseline. The new section 2 imposes a duty on them to ensure that the net Scottish emissions accounts for the years 2020, 2030, and 2040 are, respectively, at least 56%, 75% and 90% lower than the baseline.

Section 4 – Modification of the interim targets

18. Section 4 inserts a new section 2A (modification of the interim targets) into the 2009 Act. The following paragraphs refer to the subsections of new section 2A.
19. Subsection (1) confers a power on the Scottish Ministers to, by regulations, modify any percentage figure applying for the purposes of any of the interim targets. The regulations are subject to the affirmative procedure.
20. Subsection (2) provides that the regulations may not substitute a lower percentage figure if that would be inconsistent with advice from the relevant body; not based on either scientific knowledge about climate change or current international carbon reporting practice (or both); lower than a figure applying for an earlier interim target; or lower than 100% for a year which is the same as, or later than, the net-zero emissions target year.
21. Subsection (3) provides that, in preparing a draft of regulations to be made under subsection (1), the Scottish Ministers must have regard to the target-setting criteria and the most up-to-date advice they have received from the relevant body.
22. Subsection (4) provides that the duty in subsection (5) applies in the event that both: (i) the Scottish Ministers lay a draft of regulations under section A1(3) which propose to

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modify the net-zero emissions target year to a year earlier than 2045, and (ii) one or more percentage figures applying for the purposes of any interim target for a year which is the same as or later than the proposed net-zero emissions target year, is lower than 100%. In this event, subsection (5) provides that the Scottish Ministers must, simultaneously or as soon as reasonably practicable afterwards, lay before the Scottish Parliament a draft of regulations under subsection (1) which modify to 100% each such lower percentage figure.

23. Subsection (6) requires the Scottish Ministers to publish a statement, as soon as reasonably practicable after laying draft regulations under subsection (1), setting out for each proposed modification of a percentage figure by the regulations: their reasons for proposing it, the extent to which it takes account of the target-setting criteria, and whether it is consistent with the most up-to-date advice they have received from the relevant body.