



Climate Change (Scotland) Act 2009

2009 asp 12

PART 1

EMISSIONS REDUCTION TARGETS

Annual targets

5 Advice before setting annual targets

- (1) The Scottish Ministers must, before laying a draft of a statutory instrument containing an order under section 4(1) before the Scottish Parliament, request advice from the relevant body.
- (2) The request for advice must include requests for the relevant body's views—
 - (a) in the case of annual targets proposed for years in the period 2010–2020, as to whether those targets are consistent with a reduction over that period of net Scottish emissions accounts which would allow the interim target and the 2050 target to be met;
 - (b) in the case of annual targets proposed for years in the period 2021–2050, as to whether those targets are consistent with a reduction over that period of net Scottish emissions accounts which would allow the 2050 target to be met;
 - (c) in any case—
 - (i) as to what annual targets are appropriate by reference to the target-setting criteria;
 - (ii) as to the extent to which the annual targets should be met—
 - (A) by taking action to reduce net Scottish emissions;
 - (B) by the use of carbon units that in accordance with section 13(2) and regulations under section 13(5) may be credited to the net Scottish emissions account;
 - (iii) as to the respective contributions towards meeting the annual targets and the domestic effort target that should be made—
 - (A) by the traded sector of the Scottish economy;
 - (B) by the other sectors of the Scottish economy;
 - (iv) as to the respective contributions towards meeting the annual targets and the domestic effort target that should be made by—

Status: This is the original version (as it was originally enacted).

- (A) energy efficiency;
 - (B) energy generation;
 - (C) land use;
 - (D) transport.
- (3) The Scottish Ministers must publish the advice requested under subsection (1) as soon as reasonably practicable after they receive it.
- (4) As soon as reasonably practicable after laying such a draft, the Scottish Ministers must publish a statement setting out in respect of the annual targets set by the order—
- (a) the reasons for setting those annual targets at those levels;
 - (b) the extent to which those targets take account of the target-setting criteria.
- (5) If the order under section 4(1) makes provision different from that recommended by the relevant body, the Scottish Ministers must publish a statement setting out the reasons why.
- (6) Advice requested under subsection (1) or a statement under subsection (4) or (5) may be published in such manner as the Scottish Ministers consider appropriate.
- (7) In this Part, the “relevant body” means—
- (a) where no order has been made under section 24(1) designating a person or body as the advisory body, the UK Committee on Climate Change; or
 - (b) where such an order has been made, the advisory body.
- (8) In subsection (7)(a), the “UK Committee on Climate Change” means the Committee on Climate Change established under section 32 of the Climate Change Act 2008 (c. 27) (the “2008 Act”).
- (9) In this section, “traded sector” means the sectors of the Scottish economy which are covered by trading schemes within the meaning of section 44 of the 2008 Act.