

*These notes refer to the Climate Change Act (Northern Ireland)  
2022 (c.31) which received Royal Assent on 6 June 2022*

# Climate Change Act (Northern Ireland) 2022

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 1 - Emissions Targets**

##### ***Section 1: The emissions targets for 2050***

This section imposes a duty on all Northern Ireland departments to ensure that the net Northern Ireland emissions account for the year 2050 is at least 100% lower than the baseline. Subsection (3) clarifies that this duty does not require the net Northern Ireland emissions account for methane for the year 2050 to be more than 46% lower than the baseline for methane. In addition, the section imposes a duty on all Northern Ireland departments to ensure that the net Northern Ireland emissions account for carbon dioxide for the year 2050 is 100% lower than the baseline for carbon dioxide.

The baseline is defined in section 7 as the aggregate amount of net Northern Ireland emissions of certain listed greenhouse gases for the baseline years of those gases (either 1990 or 1995 for each gas). The target for 2050 is set by reference to baseline years rather than a particular quantum of emissions because the baseline years are subject to revision, as understanding of historic emissions improves. Using a baseline for this calculation is consistent with the methodology employed for the purposes of the Kyoto Protocol to the United Nations Framework Convention on Climate Change 1998, an international agreement to limit emissions of greenhouse gases, to which the UK is party. The baseline for carbon dioxide is the amount of net Northern Ireland emissions of carbon dioxide in 1990 and similarly the baseline for methane is the amount of net Northern Ireland emissions of methane in 1990.

The term “net Northern Ireland emissions account” is defined in section 8.

##### ***Section 2: Emissions targets for 2030 and 2040***

This section imposes a duty on the Department to set targets for 2030 and 2040 which are consistent with the target in section 1. It will be noted that section 3 already imposes a duty on Northern Ireland departments to ensure that the net Northern Ireland emissions account in 2040 is consistent with the 2050 target, and that section 4 already sets a target for the year 2030. This section also needs to be read alongside section 6.

***Section 3: The emissions target for 2040***

This section imposes a duty on all Northern Ireland departments to ensure that the net Northern Ireland emissions account for the year 2040 is in line with the overall target for the year 2050.

***Section 4: The emissions target for 2030***

This section imposes a duty on all Northern Ireland departments to ensure that the net Northern Ireland emissions account for the year 2030 is at least 48% lower than the baseline.

***Section 5: Power to amend emission targets***

This section firstly provides the Department with the power to amend the emissions targets in the Act to either specify an earlier year for an emissions target, or a higher percentage for a particular year. In effect, it allows the Department to alter the 2030, 2040 and 2050 emissions reduction targets to bring them forward or increase the volume of reductions required.

Subsection (2) provides a further power for the Department to amend Part 1 of the Act to impose an emissions reduction target for a specified year.

The powers may only be used if one of the conditions in section 54 is met. Before draft regulations are made to amend the targets in sections 1, 3 or 4, the Department must seek advice from the Committee on Climate Change (section 56(1)) if the amendment is as a result of significant developments in UK or international law or policy, scientific knowledge on climate change or technology relevant to climate change. The advice provided to the Department by the Committee must also include the Committee's opinion on the matters provided in section 57(2) and (3). Section 57(2) requires that, where the Department is proposing to specify a different year for a particular emissions target, the Committee must advise whether the year proposed is the earliest year for which the target could be achieved and, if not, what the earliest year for the target to be achieved would be. Section 57(3) requires that, where the Department is proposing to specify a different percentage for a particular emissions target year, the Committee must advise whether the percentage proposed is the highest percentage achievable for that year and, if not, what the highest percentage achievable would be.

The purpose of linking use of the powers in section 5 to the conditions set out in section 54 is to ensure that changes to the emission targets are only made where expert advice or significant developments mean that it is appropriate to do so. Where the amendment is as a result of a recommendation which has been provided by the Committee, the Department does not have to seek its advice under section 56.

***Section 6: Duty to consider whether to revise targets***

This section requires the Department to consider whether the emissions targets in sections 3 and 4 are consistent with the target in section 1(1). The Department is further required, within 2 years of the Act achieving Royal Assent, to either update these targets using the powers in section 5 or lay a statement before the Assembly explaining why one or both of the targets doesn't need to be updated. The conditions in section 54 do not apply to regulations made under this section (but the duty in section 56 to request the advice of the Committee on Climate Change does).

***Section 7: Meaning of “baseline”***

This section defines the “baseline” for the aggregate amount of greenhouse gases, and also the baseline for carbon dioxide and methane, for the purposes of the Act; and it enables the Department to make regulations to amend that baseline. The Department can only modify the baseline year for a greenhouse gas if it is satisfied that it would be appropriate to do so as a result of significant developments in UK or international law or policy relating to climate change (section 55).

***Section 8: Meaning of “net Northern Ireland emissions account”***

This section defines the net Northern Ireland emissions account as the aggregate amount of net Northern Ireland emissions of each greenhouse gas for that year, minus any carbon units credited to the account for the period plus any carbon units debited from the account for the period. This clarifies how emissions are to be determined for the purposes of comparing the amount of emissions for a year against the emission reduction targets in the Act and any carbon budgets set under section 23. The section similarly sets out how to determine the net Northern Ireland emissions account for carbon dioxide and methane. Section 11 sets out requirements relating to the crediting and debiting of carbon units to the net Northern Ireland emissions account.

***Section 9: Meaning of “net Northern Ireland emissions”***

This section defines Northern Ireland emissions and Northern Ireland removals of greenhouse gases, and provides that Northern Ireland emissions for a period minus Northern Ireland removals for a period are net Northern Ireland emissions for a period.

Subsection (4) provides the Department with a power to amend the definition of Northern Ireland removals. The current definition covers nature-based approaches to greenhouse gas removal and the use of carbon capture and storage technology.

***Section 10: Meaning of “Northern Ireland emissions”: international aviation and shipping***

This section enables the Department to make regulations providing for emissions of a greenhouse gas from international aviation and international shipping to count as Northern Ireland emissions of the gas.

***Section 11: Crediting and debiting of carbon units***

This section enables the Department to set out in regulations the circumstances in which carbon units may or may not be credited to, or debited from, the Northern Ireland net emissions account and the Northern Ireland net emissions account for carbon dioxide. Section 59 of this Act defines what a carbon unit is.

Subsection (2) provides that the regulations must ensure that, where carbon units are used to reduce the net Northern Ireland emissions account, they are not also used to offset other emissions elsewhere. This could otherwise lead to “double-counting”.

Subsection (3) requires that any regulations made under subsection (1) set out a limit on the net amount of carbon units by which the net Northern Ireland emissions account for a period may be reduced through the debiting and crediting of carbon units. The subsection further restricts this limit to a maximum of 25% of emissions for a period.

Subsection (4) enables the Department to specify that carbon units of a certain description do not count towards any of the limits set. Subsections (5) to (8) deal with the crediting and debiting of carbon units to the Northern Ireland net emissions account for carbon dioxide and how any purchased carbon units will be apportioned to this account.

Advice will be sought from the Committee on Climate Change on these issues and what might be appropriate before the Department brings forward any regulations under the powers within this section.

***Section 12: Carbon units: accounting scheme***

This section enables the Department to make regulations to establish a scheme, or use an existing scheme, to register and track carbon units and to establish and maintain accounts in which carbon units may be held. Subsection (3) identifies some of the administrative elements which can be covered in such regulations, including the potential appointment of an administrator for such a scheme.

***Section 13: Sectoral plans***

This section requires Northern Ireland departments to develop and publish sectoral plans setting out how sectors will contribute to achieving the targets in the Act. Sections 14 to 22 set out the sectoral plans and matters they must contain.

***Section 14: Sectoral plans for energy***

This section requires the Department for the Economy to develop and publish a sectoral plan setting out how the energy sector will contribute to achieving the targets in the Act.

***Section 15: Renewable electricity consumption***

This section requires the Department for the Economy to ensure that at least 80% of electricity consumption is from renewable sources by 2030.

***Section 16: Sectoral plans for infrastructure***

This section requires the Department for Infrastructure to develop and publish a sectoral plan setting out how the infrastructure sector will contribute to achieving the targets in the Act.

***Section 17: Sectoral plans for industrial processes***

This section requires the Department for the Economy to develop and publish a sectoral plan setting out how the industrial processes sector will contribute to achieving the targets in the Act.

***Section 18: Sectoral plans for waste management***

This section requires the Department to ensure that at least 70% of waste is recycled, and to develop and publish a sectoral plan setting out how the waste sector will contribute to achieving the targets in the Act.

***Section 19: Sectoral plans for agriculture***

This section requires the Department to develop and publish a sectoral plan setting out how the agricultural sector will contribute to achieving the targets in the Act.

***Section 20: Sectoral plans for fisheries***

This section requires the Department to develop and publish a sectoral plan setting out how the fisheries sector will contribute to achieving the targets in the Act.

***Section 21: Sectoral plans for transport***

This section requires the Department for Infrastructure to develop and publish a sectoral plan setting out how the transport sector will contribute to achieving the targets in the Act.

***Section 22: Active Travel***

This section requires the Department for Infrastructure to develop and publish a sectoral plan for transport which sets a minimum spend on active travel from the overall transport budgets of 10%.