

EXECUTIVE NOTE

DRAFT SSI: THE CLIMATE CHANGE (ANNUAL TARGETS) (SCOTLAND) ORDER 2010 (SSI 2010/XXX)

1. The above instrument will, if approved, be made by the Scottish Ministers in exercise of the powers conferred by section 4 of the Climate Change (Scotland) Act 2009 (“the Act”). The instrument is subject to the draft affirmative procedure.

Policy Objectives

2. The purpose of the instrument is to set the first batch of annual targets for the period 2010-2022, as required by section 4(2) of the Act.

3. This instrument forms part of an implementation package, to be laid before Parliament alongside other instruments made pursuant to the Act. Separate executive notes have been prepared in relation to them.

4. An annual target for any year means the target for the maximum amount of the net Scottish emissions account set for that year. Article 2 of the instrument sets the annual targets for the years 2010-2022.

5. Advice on the levels at which to set the annual targets was requested from the Committee on Climate Change. This advice was published on 24 February 2010, with further material included in a technical annex published shortly thereafter. The advice sets out a trajectory for annual targets which is consistent with meeting the interim target for 2020 already in the Act (42% lower than the baseline).

6. With the exception of the targets for 2011 and 2012, the annual targets in the instrument are set at the levels included in table 4.1 on page 30 of the technical appendix to Committee on Climate Change’s advice¹. The targets for 2011 and 2012 are set lower than those suggested by the Committee on Climate Change. Rather than setting targets which are essentially flat for 2010-12, the 2011 target is set 0.5% less than the target for the preceding year and the 2012 target is set 1% less than the target for the preceding year. The Scottish Ministers believe that these targets can be met by a combination of two factors: firstly, through reflecting the impact of policies which have already been introduced but which have not fully been reflected in the Committee on Climate Change’s projections; and secondly, bringing forward additional policy actions.

Consultation

7. There is no statutory obligation for public consultation on this Order. However, the Scottish Ministers are required by section 5 of the Act to request the advice of the Committee on Climate Change as to the levels at which to set the annual targets. The advice received from the Committee on Climate Change sets out annual targets which are consistent with the interim target for 2020. The Scottish Ministers have set targets at the levels suggested by the Committee on Climate Change with the exception of those for 2011 and 2012. Section 4(3)

¹ *Scotland’s path to a low-carbon economy: technical appendix*,
<http://hmccc.s3.amazonaws.com/Scottish%20report/Technical%20Appendix%20Scotland.pdf>

requires that the Scottish Ministers have regard to any advice from the Committee on Climate Change on the appropriate cumulative emissions budgets for 2010-2050. The Committee on Climate Change has said that further detailed analysis is required before providing advice on this issue. This analysis will be undertaken as part of its work to provide advice on the UK's fourth carbon budget, to be published in December 2010.

8. A consultation on proposals for a Scottish Climate Change Bill, took place between 29 January and 23 April 2008. The consultation received 21, 046 responses and helped the Scottish Ministers make several important decisions about the Bill. These were published in October 2008 in the Scottish Government's response to the outcomes of the Bill consultation and included the commitment to having a framework of annual targets rather than multi-year emissions targets. The response is available at the following address – <http://www.scotland.gov.uk/Publications/2008/10/response>.

Regulatory Impact Assessment

9. A Regulatory Impact Assessment is not required as the instrument will not, in itself, impose new regulatory burdens on businesses, charities or the voluntary sector. Rather, it is the proposals and policies to achieve the emissions reductions targets that will have a regulatory impact. These will be identified in the statutory Report on Proposals and Policies, to be laid in draft before the Scottish Parliament in September 2010. The individual measures, or related groups of measures, detailed in the Report on Proposals and Policies will be subject to Regulatory Impact Assessment as appropriate.

10. A Regulatory Impact Assessment was carried out for the Climate Change (Scotland) Bill. The final Assessment was published in May 2009, and is available at the following address – <http://www.scotland.gov.uk/Publications/2009/05/01155216/0>.

Financial Effects

11. The actions necessary to achieve the targets are likely to have significant financial implications. The Act requires that a Report on Proposals and Policies for meeting annual targets is published as soon as reasonably practicable after setting annual targets. It is intended that a draft Report be published in September. The individual measures, or related groups of measures, detailed in the Report on Proposals and Policies will be subject to Regulatory Impact Assessment as appropriate.

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