

POLICY NOTE

THE CLIMATE CHANGE (DUTIES OF PUBLIC BODIES: REPORTING REQUIREMENTS) (SCOTLAND) AMENDMENT ORDER 2020

SSI 2020/281

The above instrument was made in exercise of the powers conferred by sections 46(1) and 96(2)(a) of the Climate Change (Scotland) Act 2009. The instrument is subject to negative procedure.

Summary Box

This Order amends the Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015 (“the 2015 Order”). One of the amendments made by this Order is that listed public bodies will be required to include the following information, where applicable, in their annual reports:

- a target date for achieving zero direct emissions of greenhouse gases, or such other targets that demonstrate how the body is contributing to Scotland achieving its emissions reduction targets,
- targets for reducing indirect emissions of greenhouse gases.

This Order requires listed public bodies to provide information in their annual reports about how the body will align its spending plans and use of resources to contribute towards delivering its emissions reduction targets.

This Order amends schedule 1 of the 2015 Order to require Crown Estate Scotland and the Scottish Land Commission to prepare a report on compliance with its climate change duties in accordance with article 3 of the Order.

Policy Objectives

Section 44(1) of the Climate Change (Scotland) Act 2009 (“the 2009 Act”) places public bodies under a duty to contribute to the delivery of Scotland’s national emissions reduction targets and the national adaptation programme, and to act in a way the body considers to be most sustainable. The Scottish Ministers made the 2015 Order under section 46(1) of the 2009 Act. The 2015 Order requires the public bodies listed in schedule 1 of that Order to report annually on compliance with these duties, using the form specified in schedule 2 of the Order.

Scottish Ministers’ objective in strengthening public bodies’ reporting requirements by way of this amending Order is to support the public sector’s leadership role in delivering Scotland’s new national target of net zero emissions of greenhouse gases by 2045, set in Part 1 of the 2009 Act (as amended by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019).

Consultation

The Scottish Government consulted on The Role of Public Sector Bodies in Tackling Climate Change in late 2019 (<https://www.gov.scot/publications/role-public-sector-bodies-tackling-climate-change-consultation/pages/1/>).

The Consultation Analysis Report (<https://www.gov.scot/publications/role-public-sector-bodies-tackling-climate-change-analysis/>) showed strong support for the Government's main proposals.

New Reporting Requirements

In line with the responses to the consultation, the Scottish Ministers propose to strengthen the requirements of the 2015 Order to require public bodies to include the following information in their annual reports:

- where applicable, a target date for achieving zero direct emissions of greenhouse gases, or such other targets that demonstrate how the body is contributing to Scotland achieving its emissions reduction targets;
- where applicable, any targets for reducing indirect emissions of greenhouse gases;
- how the body aligns its spending plans and use of resources to contribute to reducing emissions and delivering its emissions reduction targets;
- how the body will publish, or otherwise make available, its progress towards achieving its emissions reduction targets;
- how the body is contributing to Scotland's Adaptation Programme (the most recent version of which was published in September 2019).

Additions to List of Public Bodies Required to Report

This Order adds Crown Estate Scotland, and the Scottish Land Commission to the list of public bodies required to report in accordance with article 3 of the 2015 Order.

Timetable

This Order will come into force on 9 November 2020. The amendments made by this Order do not apply to the report year ending on 31 March 2021.

Impact Assessments

As set out in the Policy Note for the 2015 Order, screening reports were undertaken in 2015 in relation to equalities, the environment and children's rights and welfare issues, and full impact assessments were not prepared as no such significant impacts were foreseen. Likewise, this Order is not expected to create significant impacts in these areas.

Financial Effects

The Cabinet Secretary for Environment, Climate Change and Land Reform confirms that no BRIA is necessary. As with the 2015 Order, this Order applies only to listed public bodies and no significant additional financial impact is foreseen as bodies already report annually on climate change.

Scottish Government
Directorate for Energy and Climate Change
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