

Climate Change (Emissions Reduction Targets) (Scotland) Bill

2nd Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 21
Sections 22 to 25

Schedule
Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

After section 17

Mark Ruskell

116 After section 17, insert—

<**Report on proposals and policies where emissions reduction targets not met**

- (1) Section 36 of the 2009 Act is amended as follows.
- (2) For subsection (1), substitute—
 - “(1) This section applies if the Scottish Ministers lay a report under section 33 which states that an emissions reduction target has not been met.”
- (3) In subsection (2), for “subsection (1)(a)” substitute “subsection (1)”.>

Section 18

Mark Ruskell

117 In section 18, page 15, leave out lines 15 and 16

Mark Ruskell

118 In section 18, page 15, leave out line 20 and insert—

- <() In subsection (2)—
- (a) in paragraph (a), for “annual target” substitute “emissions reduction targets”, and
 - (b) paragraph (c) and (d) are repealed.>

Mark Ruskell

119 In section 18, page 15, leave out lines 23 and 24

After section 18

Mark Ruskell

122 After section 18, insert—

<Reports on emissions attributable to Scottish consumption of goods and services

Reports on emissions attributable to Scottish consumption of goods and services

In section 37 of the 2009 Act—

- (a) in subsection (2) the words from “set” to the end become paragraph (a),
- (b) after paragraph (a) so formed insert—
 - “(b) list the goods and services contributing most significantly to Scotland’s consumption emissions,
 - (c) state the actions taken by the Scottish Ministers to reduce emission attributable to Scotland’s consumption of goods and services.”
- (c) after subsection (3) insert—
 - “(3A) The Scottish Ministers must make a statement to the Scottish Parliament in relation to the report.”.>

Mark Ruskell

120 After section 18, insert—

<Predicted net Scottish emissions: Scottish budget

- (1) Section 94 of the 2009 Act is amended as follows.
- (2) In subsection (1), the words from the sixth “the” to end the become paragraph (a).
- (3) After paragraph (a) so formed, insert—
 - “(b) the predicted respective contribution towards the net Scottish emissions for each use of resource in that financial year,
 - (c) a forecast of the annual change in greenhouse gas emissions of the activities to be funded by virtue of the proposals.
- (1A) For the purposes of calculations under this section, reference should be made to the resources for specified purposes mentioned in column 1 of Schedule 1 to any document setting out draft proposals for the use of resources in any financial year.
- (1B) The Scottish Ministers may by regulations make provision about the methods to be used to measure or calculate the predicted amount of net Scottish emissions in line with international carbon reporting practice for the purposes of this section.”.>

Mark Ruskell

121 After section 18, insert—

<Impact of budget proposals on emissions

In section 94 of the 2009 Act after subsection (1), insert—

- “(1A) A document setting out proposals for the use of financial resources in any financial year under subsection (1) must—
- (a) provide a separate assessment for each portfolio area of the direct and indirect impact on greenhouse gas emissions from those areas,
 - (b) separate those assessments into the direct and indirect impact on greenhouse gas emissions resulting from—
 - (i) capital investment plans,
 - (ii) revenue grants,
- (1B) For the purposes of this section, “portfolio area” means resources mentioned in column 1 of schedule 1 to any document setting out draft proposals for use of resources in any financial year.”>

Claudia Beamish

123 After section 18, insert—

<Impact of budget proposals on emissions

In section 94 of the 2009 Act after subsection (1), insert—

- “(1A) A document setting out proposals for the use of financial resources in any financial year under subsection (1) must set out—
- (a) how, with regard to each portfolio area, the direct or indirect impact on greenhouse gas emissions of that year’s draft proposals compare with the impact of the agreed document for the use of financial resources in the previous financial year,
 - (b) what the impact is of each portfolio area on meeting or exceeding the emissions reduction targets in Part 1.
- (1B) For the purposes of this section, “portfolio area” means the resources for specified purposes mentioned in column 1 of schedule 1 to any document setting out draft proposals for use of resources in any financial year.”>

Claudia Beamish

124 After section 18, insert—

<Impact of legislation on emissions

After section 94 of the 2009 Act, insert—

“94A Impact of Infrastructure Investment Plan on emissions

- (1) The Scottish Ministers must, at the same time as laying before the Scottish Parliament any document setting out infrastructure investment plans, lay before the Scottish Parliament a document—
 - (a) setting out the direct and indirect impact on greenhouse gas emissions of the infrastructure investments arising out of the document, and
 - (b) how the infrastructure investments are consistent with meeting or exceeding the emission reduction targets mentioned in Part 1.

- (2) The Scottish Ministers may by regulations appoint such person as they consider appropriate for the purposes of assessing the matters to be contained within the document.”.>

Claudia Beamish

125 After section 18, insert—

<Impact of legislation on emissions

After section 94A of the 2009 Act, insert—

“94B Impact of legislation on emissions

- (1) The Scottish Ministers must, at the same time as introducing a bill to the Scottish Parliament or laying a Scottish statutory instrument before the Scottish Parliament, lay before the Scottish Parliament a document providing—
- (a) in relation to a bill, in so far as reasonably practicable—
 - (i) an estimate of the annual greenhouse gas emissions resulting from that bill in the first five years after Royal assent, and
 - (ii) the bill’s contribution to meeting or exceeding the emission reduction targets mentioned in Part 1,
 - (b) in relation to a Scottish statutory instrument, in so far as reasonably practicable—
 - (i) an estimate of the annual greenhouse gas emissions resulting from that Scottish statutory instrument in the first five years after it comes into force, and
 - (ii) the Scottish statutory instrument’s contribution to meeting or exceeding the emission reduction targets mentioned in Part 1.”.>

Section 19

Mark Ruskell

46 In section 19, page 15, line 32, leave out from <before> to end of line 33 and insert <within 6 months beginning with the day on which the Bill for the Climate Change (Emissions Reduction Targets) (Scotland) Bill received Royal Assent,>

Mark Ruskell

126 In section 19, page 15, line 38, leave out from <and> to the end of line 4 on page 16

Claudia Beamish

127 In section 19, page 16, line 4, at end insert—

- <() contributing to the efforts of developing country parties to the United Nations Framework Convention on Climate Change to build net zero emissions economies and adapt to the effects of climate change.>

Claudia Beamish

128 In section 19, page 16, line 4, at end insert—

- <() sharing expertise and technology with developing country parties to the United Nations Framework Convention on Climate Change to enhance their capacity to take effective action against climate change.>

Roseanna Cunningham

72 In section 19, page 16, line 5, leave out <such chapters on such> and insert <chapters on—

- (i) each of the sectors mentioned in subsection (2A), and
- (ii) such other sectors, or>

Claudia Beamish

129 In section 19, page 16, line 8, at end insert—

- <() steps taken to ensure that those proposals and policies are—
 - (i) aligned with global agreements under the United Nations Framework Convention on Climate Change,
 - (ii) coherent with the Scottish Ministers' international development strategy,
 - (iii) aligned with the pursuit of sustainable development.>

Roseanna Cunningham

73 In section 19, page 16, line 8, at end insert—

<(2A) The sectors referred to in subsection (2)(b)(i) are—

- (a) energy supply,
- (b) transport (including international aviation and shipping),
- (c) business and industrial process,
- (d) residential and public (in relation to buildings in those sectors),
- (e) waste management,
- (f) land use, land use change and forestry,
- (g) agriculture.>

Liam McArthur

73A As an amendment to amendment 73, line 3, after <supply> insert <,including low-carbon heat>

Roseanna Cunningham

35 In section 19, page 16, line 14, leave out <, the 2050 target>

Roseanna Cunningham

- 74 In section 19, page 16, leave out lines 19 to 22 and insert <each of the sectors mentioned in subsection (2A).>

Liam McArthur

- 138 In section 19, page 16, line 22, at end insert—
<() The plan must also set out the Scottish Ministers’ proposals and policies to ensure that all new constructions of buildings, structure or erections for use as residential accommodation are built with a source of low-carbon heat.>

Liam McArthur

- 139 In section 19, page 16, line 22, at end insert—
<() The plan must also set out the Scottish Ministers’ proposals and policies regarding the development of district heating for new developments, where feasible.>

Maurice Golden

- 100 In section 19, page 16, line 22, at end insert—
<() The plan must also set out the Scottish Ministers’ proposals and policies regarding the public procurement of electric vehicles.>

Maurice Golden

- 130 In section 19, page 16, line 22, at end insert—
<() The plan must also set out the Scottish Ministers’ proposals and policies for improved access to electric vehicle charging stations for those living in tenements within the meaning of section 26 of the Tenements (Scotland) Act 2004.>

Liam McArthur

- 134 In section 19, page 16, line 22, at end insert—
<() The plan must also set out the Scottish Ministers’ proposals and policies regarding public procurement of ultra-low emission vehicles.>

David Stewart

- 140 In section 19, page 16, line 22, at end insert—
<() The plan must also set out proposals and policies from the Scottish Ministers regarding the prohibition of petrol and diesel vehicles within low emission zones and city centres.>

John Scott

- 101 In section 19, page 16, line 22, at end insert—

- <(4A) In relation to land use under (2A)(f), the Scottish Ministers must set out their policies and proposals for the creation of a register of land, to be known as “Climate Change Mitigation Land”, that through the capture and long-term storage of carbon mitigates Scottish greenhouse gas emissions.
- (4B) The Scottish Ministers must ensure that the policies and proposals mentioned under subsection (4A) are consistent with the land use strategy under section 57.>

Mark Ruskell

136 In section 19, page 16, line 22, at end insert—

- <(4A) The plan must also set out the Scottish Ministers’ policies and proposals for mitigating Scottish greenhouse gas emissions through the capture and long-term storage of carbon in marine areas.
- (4B) Policies and proposals under subsection (4A) may include targets for the protection and enhancement of areas within the Scottish marine area appropriate for the long-term storage of carbon.
- (4C) For the purposes of this Part, “Scottish marine area” has the same meaning as in section 1 of the Marine (Scotland) Act 2010.>

John Scott

102 In section 19, page 16, line 22, at end insert—

- <() The plan must also set out the Scottish Ministers’ proposals and policies regarding—
 - (a) the establishment of a whole farm approach to emissions accounting on Scottish farms,
 - (b) funding to support farmers to invest in agroecology.
- () For the purposes of this section—
 - “agroecology” means a whole farm approach to land and resource management which integrates the production of food with restoration and maintenance of the natural environment and other social benefits, taking into account the wider impact of the farm’s activities.
 - “whole farm” has the same combined meaning as “agriculture”, “agricultural land” and “agricultural unit” as in section 86 of the Agriculture (Scotland) Act 1948.>

Claudia Beamish

133 In section 19, page 16, line 22, at end insert—

- <(4A) In relation to land use under (2A)(f), the Scottish Ministers must, within one year of Royal Assent, set out their policies and proposals for the creation of regional land use partnerships and frameworks.
- (4B) The Scottish Ministers must ensure that the policies and proposals mentioned under subsection (4A) are consistent with the land use strategy under section 57.>

Maurice Golden

137 In section 19, page 16, line 22, at end insert—

- <() The plan must also set out the Scottish Ministers’ proposals and policies regarding the establishment of a fund, to be known as a “dedicated efficiency fund” to support investment in mitigation measures to reduce greenhouse gas emissions on Scottish farms.>

Maurice Golden

131 In section 19, page 16, line 22, at end insert—

- <() The plan must also set out the Scottish Ministers’ proposals and policies regarding the establishment of a body, to be known as the “Sustainable Energy Innovation Centre” to support research and development, technology development and business growth in relation to sustainable energy.>

Maurice Golden

132 In section 19, page 16, line 22, at end insert—

- <() The plan must also set out the Scottish Ministers’ proposals and policies for increasing allocations of financial resources to energy efficiency measures.>

Mark Ruskell

135 In section 19, page 16, line 22, at end insert—

- <() The plan must also set out the Scottish Ministers’ proposals and policies regarding prohibition of the extraction of onshore unconventional oil and gas reserves.>

Claudia Beamish

141 In section 19, page 16, line 23, leave out subsection (5) and insert—

- <() The plan must also set out (with reference to the climate justice principles as set out under section ZA1)—
- (a) how the proposals and policies set out in the plan are expected to affect different sectors of the Scottish economy and different regions, including any effect on employment in those sectors and regions,
 - (b) the measures that will be put in place to support the transition of the workforce and related communities in sectors and regions of the economy affected by proposals and policies set out in the plan, and
 - (c) the investment needed to implement the proposals and policies set out in the plan and the anticipated sources of that investment.>

John Scott

76 In section 19, page 16, line 24, at end insert—

- <() The plan must also set out an estimate of the costs and benefits associated with the policies set out in the plan.>

Roseanna Cunningham

75 In section 19, page 16, line 24, at end insert—

- <() In preparing a plan under subsection (1), the Scottish Ministers must have regard to the just transition principles (see section 35C).
- () Each plan under this section must explain the extent to which it takes account of the just transition principles.>

Maurice Golden

142 In section 19, page 16, line 24, at end insert—

- <() The plan must also explain how the proposals and policies set out in the plan are expected to affect—
 - (a) island communities,
 - (b) local authorities,
 - (c) human rights,
 - (d) indigenous peoples,
 - (e) local communities,
 - (f) migrants,
 - (g) children,
 - (h) persons with disabilities,
 - (i) persons in vulnerable situations.>

Claudia Beamish

103 In section 19, page 16, line 29, at end insert—

- <() In preparing the plan, the Scottish Ministers must have regard to the climate justice principles as set out in section ZA1.>

Claudia Beamish

143 In section 19, page 16, line 29, at end insert—

- <() In preparing the plan, the Scottish Ministers must consult the Commission on—
 - (a) progress towards a just transition in accordance with section ZA1(2)(f),
 - (b) whether progress under paragraph (a) is sufficient for meeting emissions reduction targets,
 - (c) what further progress is required to meet emissions reduction targets.>

Roseanna Cunningham

77 In section 19, page 16, line 34, at end insert—

- <(8) The Scottish Ministers may by regulations modify subsection (2A).
- (9) Any modification made in regulations under subsection (8) must be consistent with international carbon reporting practice.>

Mark Ruskell

49 In section 19, page 16, line 34 at end insert—

<35AA Whole farm climate action plan

- 5 (1) Alongside the climate change plan, the Scottish Ministers must lay a whole farm climate action plan.
- 5 (2) The plan must—
- (a) in the case of the first plan, state the Scottish whole farm greenhouse gas emissions since the day that this section comes into force,
 - (b) in the case of each subsequent plan, report on the change in Scottish whole farm greenhouse gas emissions since the last plan.
- 10 (3) The plan must also set out the Scottish Ministers’ proposal and policies regarding reducing Scottish whole farm greenhouse gas emissions through the use of—
- (a) research,
 - (b) knowledge transfer and advice,

15 (c) land management accreditation, including organic farming,

 - (d) nutrient resource budgeting,
 - (e) circular economy initiatives,
 - (f) energy generation and efficiency,
 - (g) any land use strategy prepared under section 57,

20 (h) agroecology.
- (4) The Scottish Ministers must lay the first plan under subsection (2) before the end of the period of 1 year beginning with the day this section comes into force.
- (5) In this section—
- 25 “agroecology” means a whole farm approach to land and resource management which integrates the production of food with restoration and maintenance of the natural environment and other social benefits, taking into account the wider impact of the farm’s activities.
- 30 “whole farm” has the same combined meaning as “agriculture”, “agricultural land” and “agricultural unit” as in section 86 of the Agriculture (Scotland) Act 1948.>

Claudia Beamish

49A* As an amendment to amendment 49, line 20, at end insert—

<() sequestration of carbon.>

Claudia Beamish

49B* As an amendment to amendment 49, line 20, at end insert—

<() agroforestry.>

Roseanna Cunningham

78 In section 19, page 16, line 38, leave out <90> and insert <120>

Roseanna Cunningham

79 In section 19, page 16, line 42, at end insert—

<() any views on the draft plan set out by the relevant body in a report under section 9(1)(d),>

Claudia Beamish

144 In section 19, page 16, line 42, at end insert—

<() in relation to the Commission’s functions, the view of the Commission,>

Roseanna Cunningham

80 In section 19, page 17, line 8, after <representations,> insert <views,>

Roseanna Cunningham

81 In section 19, page 17, line 11, after <representations,> insert <views,>

Mark Ruskell

145 In section 19, page 17, line 17, after <towards> insert—

<(a)>

Mark Ruskell

146 In section 19, page 17, line 17, at end insert—

<(b) a just transition as defined in section ZA1(2)(f), including the progress in meeting plans set out under section 35(5).>

Mark Ruskell

147 In section 19, page 17, line 17, at end insert—

<() Each report laid under subsection (1) must contain an assessment of, and details of, the expenditure incurred by the Scottish Ministers in implementing the proposals and policies set out in each substantive chapter of the most recent climate change plan laid under section 35.>

Liam McArthur

148 In section 19, page 17, line 17, at end insert—

<() Each report laid under subsection (1) must contain an assessment of the effectiveness of low-carbon heat technologies towards meeting each relevant target.>

Liam McArthur

149 In section 19, page 17, line 17, at end insert—

- <() Each report laid under subsection (1) must contain—
- (a) an assessment of the level of public procurement investment of ultra-low emission vehicles since the most recent annual progress report,
 - (b) a statement explaining the reasons for the level of investment, and
 - (c) any recommendations for increasing the level of investment.>

Claudia Beamish

150 In section 19, page 17, line 17, at end insert—

- <() Each report laid under subsection (1) must contain, in relation to the Commission’s functions, the view of the Commission.>

Roseanna Cunningham

82 In section 19, page 17, line 18, leave out <October> and insert <May>

Claudia Beamish

151 In section 19, page 17, line 39, at end insert—

- <() In preparing a report under subsection (1), the Scottish Ministers must consult the Just Transition Commission on—
- (a) the progress made during the reporting year towards the just transition principles,
 - (b) whether it appears to the Commission that such progress is sufficient,
 - (c) what further progress the Commission considers is required to deliver the just transition principles.>

Roseanna Cunningham

83 In section 19, page 17, line 39, at end insert—

<“35C Just transition principles

- (1) In this Act, the “just transition principles” are the importance of taking action to reduce net Scottish emissions of greenhouse gases in a way which—
- (a) supports environmentally and socially sustainable jobs,
 - (b) supports low-carbon investment and infrastructure,
 - (c) develops and maintains social consensus through engagement with workers, communities, non-governmental organisations, representatives of the interests of business and industry and such other persons as the Scottish Ministers consider appropriate,
 - (d) creates decent, fair and high-value work in a way which does not negatively affect the current workforce and overall economy,
 - (e) contributes to resource efficient and sustainable economic approaches which help address inequality and poverty.

(2) The Scottish Ministers may by regulations modify subsection (1).”.>

Roseanna Cunningham

84 In section 19, page 17, line 39, at end insert—

<() In section 9(1) of the 2009 Act, after paragraph (c) insert—

“(d) any draft climate change plan laid before the Scottish Parliament under section 35A(1)(a) within the period of 12 months immediately preceding the making of the request.”.>

After section 19

Claudia Beamish

152 After section 19, insert—

<Adaptation programmes

Programmes for adaptation to climate change

In section 53 of the 2009 Act after subsection (2), insert—

“() In setting out their objectives under subsection (2)(a)(i), the Scottish Ministers must include an objective in relation to Scotland’s contribution to international climate change adaptation in line with international best practice.”.>

Claudia Beamish

153 After section 19, insert—

<Sustainable development

Sustainable development

In section 92 of the 2009 Act after subsection (2), insert—

“(3) In exercising the functions conferred upon them by this Act, the persons mentioned in subsection (2) must have regard to—

- (a) the impact of exercising their functions on the ability of other countries to achieve global commitments on climate change,
- (b) the contribution that exercising functions could have on the ability of other countries to achieve sustainable development.”.>

Section 20

Roseanna Cunningham

36 In section 20, page 18, line 14, leave out from beginning to <made,> in line 16

Roseanna Cunningham

85 In section 20, page 18, line 16, at end insert—

<() After the definition of “energy efficiency” insert—

““fair and safe Scottish emissions budget” has the meaning given by section 2B(2),”.>

Roseanna Cunningham

86 In section 20, page 18, line 18, at end insert—

<() After that definition insert—

““just transition principles” has the meaning given by section 35C(1),”>

Roseanna Cunningham

37 In section 20, page 18, line 21, leave out <A1(2)> and insert <A1(2A)>

Schedule

Roseanna Cunningham

38 In the schedule, page 20, leave out lines 5 to 8

Roseanna Cunningham

87 In the schedule, page 20, line 23, at end insert—

<() in paragraph (d), after “emissions” insert “of greenhouse gases”.>

Mark Ruskell

47 In the schedule, page 21, leave out line 4

Roseanna Cunningham

88 In the schedule, page 21, line 11, after <repealed,> insert—

<() the definition of “the 2050 target” is repealed,>

Roseanna Cunningham

89 In the schedule, page 21, line 16, leave out <insert> and insert <substitute>

Roseanna Cunningham

90 In the schedule, page 21, line 17, at end insert—

<In section 100—

(a) in subsection (2), for “27” substitute “30”, and

(b) in subsection (3), for “27” substitute “30”.>

Section 24

Mark Ruskell

48 In section 24, page 19, line 14, after <sections> insert <19,>

Long Title

Stewart Stevenson

- 50** In the long title, page 1, line 3, at end insert <with the objective of Scotland contributing appropriately to the world's efforts to deliver on the Paris Agreement reached at the 21st Conference of the Parties of the United Nations Framework Convention on Climate Change.>

Claudia Beamish

- 154** In the long title, page 1, line 3, at end insert <and to establish the Just Transition Commission and provide for its functions.>

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