

Climate Change (Emissions Reduction Targets) (Scotland) Bill

Marshalled List of Amendments selected for Stage 3

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.

Section 3

Roseanna Cunningham

- 2 In section 3, page 2, line 18, after <Act> insert <, and the italic cross heading immediately preceding it>

Claudia Beamish

Supported by: Liam McArthur

- 17 In section 3, page 2, line 24, leave out <70%> and insert <75%>

Mark Ruskell

- 18 In section 3, page 2, line 24, leave out <70%> and insert <80%>

Section 5

Claudia Beamish

- 19 In section 5, page 4, line 5, at end insert—
<() the climate justice principle (see section 35(5BA)),>

Claudia Beamish

- 3 In section 5, page 4, line 23, at end insert—
<() the likely impact of the target on the achievement of sustainable development, including the achievement of the United Nations sustainable development goals,>

Claudia Beamish

- 20 In section 5, page 4, line 27, after <Scotland> insert <, on the basis of equity and in accordance with its common but differentiated responsibilities and respective capabilities as part of a member state of the United Nations, and in line with the principles set out in article 3 of the United Nations Framework Convention on Climate Change,>

Claudia Beamish

- 4 In section 5, page 4, line 27, after <Scotland> insert <, in line with the principles set out in article 3 of the United Nations Framework Convention on Climate Change,>

Section 6

Angus MacDonald

- 1 In section 6, page 5, line 17, at end insert—
<() the estimated contribution of the net-zero emissions target and the interim targets towards global efforts to limit the global average temperature increase to 1.5°C above pre-industrial levels,>

After section 8

Mark Ruskell

- 21 After section 8, insert—
<Citizens assembly

Citizens assembly

After section 32 of the 2009 Act insert—

“PART 2A

Citizens assembly

32A Citizens assembly

- (1) The Scottish Ministers must establish a panel to be known as a “citizens assembly” to exercise the functions mentioned in subsection (5).
- (2) The citizens assembly is a panel made up of such persons as the Scottish Ministers consider to be representative of the general populace of Scotland.
- (3) The citizens assembly is to have two conveners who are independent of the Scottish Ministers and the Scottish Parliament.
- (4) There is to be a gender balance between the conveners.
- (5) The functions conferred on the citizens assembly are to—
 - (a) consider how to prevent or minimise, or remedy or mitigate the effects of, climate change,
 - (b) make recommendations on measures proposed to achieve the emissions reduction targets,

- (c) make recommendations about such other matters in relation to climate change as the Scottish Ministers may, in accordance with subsection (6), refer to the assembly.
- (6) The Scottish Ministers may refer matters to the citizens assembly under subsection (5)(c) only if those matters have been approved by resolution of the Scottish Parliament.
- (7) The Scottish Ministers must, before the first meeting of the citizens assembly, lay before the Scottish Parliament a report on the arrangements for the administration and operation of the assembly.
- (8) The citizens assembly is to—
 - (a) set out its recommendations in a report,
 - (b) lay the report before the Scottish Parliament, and
 - (c) send a copy of the report to the Scottish Ministers.
- (9) The Scottish Ministers must, within 6 months of receiving a copy of the report, publish a statement setting out how they intend to respond to the recommendations made in it.
- (10) The citizens assembly is to—
 - (a) lay its report before the Scottish Parliament under subsection (8)(b) by 28 February 2021.
 - (b) complete its consideration of the matters mentioned in subsection (5)(a) by that date.”.>

Section 9

Roseanna Cunningham

5 In section 9, page 8, line 38, after first <percentage> insert <point>

After section 12

Mark Ruskell

22 After section 12, insert—

<Approval of relevant public body budgets

Approval of relevant public body budgets

After section 45 of the 2009 Act, insert—

“45A Approval of relevant public body budgets

Where the Scottish Ministers are required to approve a relevant public body’s draft proposals for the use of resources in any financial year, they must not do so unless the document containing those draft proposals sets out how the proposed use of resources will contribute to meeting or exceeding the emissions reduction targets in Part 1.”.>

After section 15

Maurice Golden

23 After section 15, insert—

<Nitrogen balance sheet

After section 8 of the 2009 Act, insert—

“Nitrogen balance sheet

8A Nitrogen balance sheet

- (1) The Scottish Ministers must, no later than 12 months after this section comes into force, create a balance sheet to quantify all major nitrogen flows across all sectors and media in Scotland, including its coastal waters, the atmosphere and soil and flows across these boundaries, to be known as a “nitrogen balance sheet” for the purpose mentioned in subsection (2).
- (2) The purpose of the nitrogen balance sheet is to record how nitrogen use efficiency contributes to achieving the targets in this Act.
- (3) The Scottish Ministers must by regulations make provision for—
 - (a) a baseline figure for nitrogen use efficiency,
 - (b) how nitrogen use efficiency is to be calculated,
 - (c) the timescale in which the nitrogen balance sheet is to be reviewed,
 - (d) monitoring and reporting upon the nitrogen balance sheet,
 - (e) such other matters as they consider appropriate.
- (4) The Scottish Ministers must, before laying draft regulations under subsection (3) before the Scottish Parliament, consult such persons as they consider appropriate.
- (5) In this Act “nitrogen use efficiency” means the ratio of nitrogen removed from the environment compared to total nitrogen inputs.
- (6) For the purposes of assessing the ratio mentioned in subsection (5), account should be taken of sources of nitrogen pollution, including—
 - (a) food production and waste,
 - (b) energy, and
 - (c) transport.”.>

After section 17A

Mark Ruskell

24 After section 17A, insert—

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

In section 37 of the 2009 Act—

- (a) in subsection (2)—
 - (i) the words from “the emissions” to the end become paragraph (a),

(ii) after that paragraph, insert—

“(b) the goods and services the consumption and use of which contributed most significantly to those emissions.”,

(b) after subsection (3) insert—

“(4) Each report under subsection (1) must be laid before the Scottish Parliament within the period of 15 months beginning on the date on which the previous report under that subsection was so laid.”.>

Claudia Beamish

25 After section 17A, insert—

<Reports on land use strategy

After section 37 of the 2009 Act, insert—

“37A Reports on land use strategy

- (1) The Scottish Ministers must lay before the Scottish Parliament a report on—
 - (a) the assessment of progress towards implementing the objectives, proposals and policies of the land use strategy under section 57, and
 - (b) how these objectives, proposals and policies will contribute towards achieving the targets in the Act.
- (2) Scottish Ministers must—
 - (a) publish each report prepared under subsection (1), and
 - (b) lay a copy of it before the Scottish Parliament,as soon as reasonably practicable after the end of each financial year.
- (3) The report may also contain such other information as the Scottish Ministers consider appropriate.”.>

Section 19

Mark Ruskell

26* In section 19, page 16, line 16, leave out from <before> to end of line 17 and insert <within 6 months beginning with the day on which the Bill for the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 received Royal Assent,>

Claudia Beamish

27 In section 19, page 17, line 11, at end insert—

- <() Without prejudice to the generality of subsection (4), the plan must in particular set out the Scottish Ministers’ proposals and policies for—
- (a) the establishment of any regional land use partnerships (subject to such partnerships having not already been established), and
 - (b) the support to and resourcing of any regional land use partnerships to develop frameworks.

() For the purposes of this section—

“regional land use partnership” is a partnership established in a strategy under section 57,

“frameworks” are frameworks created by a regional land use partnership.>

Mark Ruskell

28 In section 19, page 17, line 11, at end insert—

<() The plan must also set out the Scottish Ministers’ proposals and policies regarding the exploitation of fossil fuels including onshore unconventional oil and gas reserves.>

Mark Ruskell

29 In section 19, page 17, line 11, at end insert—

<(4ZA)The plan must also set out the Scottish Ministers’ policies and proposals for mitigating Scottish greenhouse gas emissions through the natural sequestration and long-term storage of greenhouse gas emissions in marine ecosystems, including in both biological and geological components.

(4ZB)Policies and proposals under subsection (4ZA) may include targets for the protection and enhancement of habitats and species within the Scottish marine area appropriate for the long-term storage of greenhouse gas emissions.

(4ZC)For the purposes of this Part, “Scottish marine area” has the same meaning as in section 1 of the Marine (Scotland) Act 2010.>

Claudia Beamish

6 In section 19, page 17, line 22, at end insert—

<() The plan must also set out the Scottish Ministers’ proposals and policies for supporting, including by the sharing of expertise and technology, action in developing countries to reduce emissions of greenhouse gases and adapt to the effects of climate change.>

Mark Ruskell

30 In section 19, page 17, line 22, at end insert—

<() Without prejudice to the generality of subsection (2), the plan must set out what (if any) measures the Scottish Ministers propose to take during the plan period to ensure that emissions from housing are reduced such that the majority of housing in Scotland achieves an energy performance certificate rating of “C” or above, where practical.>

Maurice Golden

Supported by: Mark Ruskell

31 In section 19, page 17, line 22, at end insert—

<(A5) The plan must also set out the Scottish Ministers’ proposals and policies regarding—

- 5
- (a) the establishment of a whole farm approach to emissions accounting on Scottish farms,
 - (b) the reduction of Scottish whole farm greenhouse gas emissions through the use of—
 - (i) research,
 - (ii) knowledge transfer and advice,
 - 10 (iii) land management accreditation, including organic farming,
 - (iv) nutrient resource budgeting,
 - (v) circular economy initiatives,
 - (vi) energy generation and efficiency,
 - (vii) any land use strategy prepared under section 57,
 - 15 (viii) agroecology.

(B5) For the purposes of subsection (A5)—

20 “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

31A As an amendment to amendment 31, line 15, at end insert—

<(ix) carbon sequestration,>

Claudia Beamish

31B As an amendment to amendment 31, line 15, at end insert—

<(x) agroforestry.>

Maurice Golden

32 In section 19, page 17, line 22, at end insert—

<() The plan must also set out the Scottish Ministers’ proposals and policies regarding the consideration of the potential for the capture and long-term storage of carbon when designating marine protected areas under section 67 of the Marine (Scotland) Act 2010.>

Maurice Golden

33 In section 19, page 17, 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 an Agricultural Modernisation Fund, to support investment in mitigation measures to reduce greenhouse gas emissions on Scottish farms.>

Mark Ruskell

34 In section 19, page 17, line 22, at end insert—

<() The plan must also set out the Scottish Ministers’ proposals and policies for taking, or supporting, action to reduce emissions of greenhouse gases (whether in Scotland or elsewhere) which are produced by or otherwise associated with the consumption and use of goods and services in Scotland.>

Claudia Beamish

35 In section 19, page 17, line 23, after <also> insert <, with reference to the just transition principles (see section 35C)>

Claudia Beamish

7 In section 19, page 17, line 23, after <also> insert <—
(a)>

Claudia Beamish

8 In section 19, page 17, line 24, after <economy> insert <and different regions in Scotland, including how they are expected to affect employment in those sectors and regions, and
(b) set out the Scottish Ministers’ proposals and policies for supporting the workforce, employers and communities in those sectors and regions>

Claudia Beamish

9 In section 19, page 17, line 28, after <to> insert <—
(a)>

Claudia Beamish

10 In section 19, page 17, line 28, at end insert—
<(b) the climate justice principle.
(5BA)In subsection (5B)(b), the “climate justice principle” is the importance of taking action to reduce global emissions of greenhouse gases and to adapt to the effects of climate change in ways which—
(a) support the people who are most affected by climate change but who have done the least to cause it and are the least equipped to adapt to its effects, and
(b) help to address inequality.>

Claudia Beamish

- 11 In section 19, page 17, line 29, after <explain> insert <—
(a)>

Claudia Beamish

- 12 In section 19, page 17, line 30, at end insert—
<(b) how the implementation of the plan is expected to contribute to the achievement of sustainable development, including the achievement of the United Nations sustainable development goals.>

Claudia Beamish

- 12A As an amendment to amendment 12, line 4, at end insert—
<(c) the considerations taken to ensure that the proposals and policies within the plan do not negatively impact on the ability of other countries to achieve sustainable development.>

Mark Ruskell

- 36 In section 19, page 18, line 28, after <chapter> insert <, including proposals and policies for supporting the workforce, employers and communities>

Roseanna Cunningham

- 13 In section 19, page 18, line 34, leave out <every year after this paragraph comes into force> and insert <—
(i) 2021, and
(ii) each subsequent year>

Claudia Beamish

- 37 In section 19, page 19, line 17, after <workers,> insert <trade unions,>

After section 19A

Claudia Beamish

- 14 After section 19A, insert—
<**Sustainable development**
In section 92(1) of the 2009 Act, after “development” insert “, including the achievement of the United Nations sustainable development goals”.>

Claudia Beamish

- 14A* As an amendment to amendment 14, line 3, after <Act> insert <—
(a) after “of” in the second place that it appears insert “, and does not negatively impact upon the ability of other countries to achieve”, and

(b)>

Claudia Beamish

Supported by: Mark Ruskell

15 After section 19A, insert—

<Impact of infrastructure investment on emissions

After section 94 of the 2009 Act insert—

“94A Impact of infrastructure investment on emissions

- (1) Subsection (2) applies where the Scottish Ministers publish an infrastructure investment plan.
- (2) They must also publish an assessment of the extent to which investment in accordance with the plan is expected to contribute to the meeting of the emissions reduction targets.
- (3) The assessment—
 - (a) may be set out—
 - (i) in the plan, or
 - (ii) in a separate document,
 - (b) if set out in a separate document, must be published at the same time as, or as soon as reasonably practicable after, the plan is published.
- (4) In subsection (1), “infrastructure investment plan” means a plan prepared by the Scottish Ministers setting out their priorities for investing in, and strategy for the development of, public infrastructure.”.>

Section 20

Claudia Beamish

16 In section 20, page 20, line 25, at end insert—

<() After the definition of “UK Committee on Climate Change” insert—

““United Nations sustainable development goals” means the goals set out in “Transforming our world: the 2030 Agenda for sustainable development” adopted by the General Assembly of the United Nations by resolution A/Res/70/1 of 25 September 2015,”.>

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