

# Climate Change (Emissions Reduction Targets) (Scotland) Bill

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## Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 7

Long Title

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

### Section 1

#### Graham Simpson

1 In section 1, page 2, line 13, at end insert—

<(2A) A budget for a period must set out the proportion of the budget that is to be attributed to emissions from each of the following sectors—

- (a) transport,
- (b) energy consumption,
- (c) land use,
- (d) aviation,
- (e) shipping.>

#### Maurice Golden

2 In section 1, page 2, line 13, at end insert—

<(2A) The budget for a period may not be increased on account of the Scottish carbon budget target for a previous period having been met.>

#### Graham Simpson

3 In section 1, page 2, leave out lines 14 to 17 and insert—

<(3) The periods covered by Scottish carbon budgets must be in line with budgetary periods set by the Secretary of State under section 4 of the Climate Change Act 2008.>

#### Monica Lennon

28 In section 1, page 2, line 19, after <must> insert <—

- (a)>

**Monica Lennon**

29 In section 1, page 2, line 21, at beginning insert <act in accordance with>

**Monica Lennon**

30 In section 1, page 2, line 21, after <body> insert <, unless exceptional reasons apply>

**Brian Whittle**

46 In section 1, page 2, line 21, at end insert—

- <(c) scientific knowledge about climate change,
- (d) technology relevant to climate change,
- (e) economic circumstances, and in particular the likely impact of the decision to set the Scottish carbon budget on the economy and the competitiveness of particular sectors of the economy,
- (f) fiscal circumstances, and in particular the likely impact of the decision to set the Scottish carbon budget on taxation, public spending and public borrowing,
- (g) social circumstances, and in particular the likely impact of the decision to set the Scottish carbon budget on fuel poverty,
- (h) energy policy, and in particular the likely impact of the decision to set the Scottish carbon budget on energy supplies and the carbon and energy intensity of the economy,
- (i) the estimated amount of reportable emissions from international aviation and international shipping for the budgetary period or periods in question.>

**Monica Lennon**

52 In section 1, page 2, line 22, leave out <As soon as reasonably practicable after> and insert <On the same day as>

**Monica Lennon**

32 In section 1, page 2, line 28, leave out <consistent> and insert <in accordance>

**Mark Ruskell**

5 In section 1, page 2, line 30, at end insert—

- <(c) details of the views mentioned in A4A(b), and
- (d) the changes (if any) they have made to the regulations in response to such views and the reasons for those changes.>

**Mark Ruskell**

6 In section 1, page 2, line 30, at end insert—

- <(c) the contribution towards reducing emissions that each of the sectors mentioned in subsection (6) can be expected to make during the period covered by the Scottish carbon budget.

- (6) The sectors referred to in subsection (5)(c) are—
- (a) the energy sector,
  - (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.>

**Mark Ruskell**

7 In section 1, page 2, line 30, at end insert—

- <(6) A statement published under subsection (5) must set out, if relevant, that the proposed budget would deliver during, or by the end of, the period to be covered by the proposed budget a net Scottish emissions account of (as the case may be)—
- (a) 70% lower than the baseline,
  - (b) 90% lower than the baseline.>

**Graham Simpson**

53 In section 1, page 2, line 30, at end insert—

- <(6) A statement under subsection (5) must also set out, in broadly indicative terms, the proposals and policies in relation to each of the sectors mentioned in section 35(3) which are likely (if the regulations are approved) to be set out in the next climate change plan due to be laid before the Scottish Parliament under section 35(1).>

**Mark Ruskell**

59 In section 1, page 2, line 30, at end insert—

**<A4A Budget-setting regulations: further procedure**

- (1) Before laying before the Scottish Parliament for approval a draft of regulations under section A4, the Scottish Ministers must—
- (a) lay a draft of the regulations before the Scottish Parliament for a period of 120 days, of which no fewer than 60 days must be days which the Scottish Parliament is not dissolved or in recess, and
  - (b) before finalising the regulations, seek the views of a committee of the Scottish Parliament whose remit includes matters relating to climate change for the time being appointed by virtue of the standing orders.
- (2) Subsection (1) does not apply to the first draft regulations under section A4.>

**Graham Simpson**

9 In section 1, page 2, line 36, leave out from <similar> to end of line 37 and insert <budgetary periods set by the Secretary of State under section 4 of the Climate Change Act 2008.>

**Monica Lennon**

54 In section 1, page 2, line 39, at end insert—

<( ) In section 97(1), before paragraph (a) insert—

“(za) regulations, other than the first regulations, under section A4;”>

**Section 2**

**Maurice Golden**

10 In section 2, page 4, line 2, at end insert—

<( ) In section 13, after subsection (6) insert—

“(7) The regulations must not provide for any carbon units that are credited to the net Scottish emissions account for the period to be carried over to the next period.”>

**Patrick Harvie**

60 In section 2, page 5, line 19, after <target.> insert—

<(2B) The report must also set out the Scottish Ministers’ assessment of the impact of major capital projects on Scottish carbon budgets.>

**Douglas Lumsden**

38 In section 2, page 6, line 16, at end insert—

<(iii) whether the carbon budget target for the period in which the year covered by the report falls is likely to be met, and>

**Douglas Lumsden**

39 In section 2, page 6, line 18, at end insert—

<(4A) Where the report states that the carbon budget target for the period in which the year covered by the report falls is not likely to be met, the Scottish Ministers must, as soon as reasonably practicable after laying the report before the Parliament, make a statement to the Parliament setting out the reasons why the target is not likely to be met.>

**Douglas Lumsden**

40 In section 2, page 6, line 18, at end insert—

<(4A) Where the report is the second report during the period which has stated that the carbon budget target for the period is not likely to be met, the Scottish Ministers must, as soon as reasonably practicable after laying the report before the Parliament, make a statement to the Parliament setting out—

(a) the reasons why the target is not likely to be met, and

(b) the steps they intend to take to compensate for the excess emissions.>

## **Douglas Lumsden**

**61** In section 2, page 7, line 1, at end insert—

<( ) after subsection (3) insert—

“(3A) Where the Scottish Ministers lay a report under section 33 or 34A before the Scottish Parliament—

(a) before the expiry of the period of 30 days beginning with the day on which the report is laid, the report must be considered and reported on by a committee of the Scottish Parliament for the time being appointed by virtue of standing orders, and

(b) before the expiry of the period of 60 days beginning with the day on which the report is laid, the Scottish Ministers must propose that the report is debated at a meeting of the Parliament.

(3B) Where the Scottish Ministers lay a report under section 33 or 34A before the Scottish Parliament in the final year of the period composed of the current session of the Parliament, the report must be laid no later than 140 days before the day on which the current session is expected to end.

(3C) In calculating the periods mentioned in subsections (3A) and (3B), no account shall be taken of any time during which the Parliament is dissolved or in recess for more than 4 days.”>

## **After section 2**

### **Maurice Golden**

**15\*** After section 2, insert—

<**The 2030 target**

(1) The Climate Change (Scotland) Act 2009 is modified as follows.

(2) After section A1, insert—

“**A1A The 2030 target**

The Scottish Ministers must ensure that the net Scottish emissions account for the year 2030 is at least 68% lower than the baseline.”>

### **Maurice Golden**

**16\*** After section 2, insert—

<**The 2040 target**

(1) The Climate Change (Scotland) Act 2009 is modified as follows.

(2) After section A1, insert—

“**A1B The 2040 target**

The Scottish Ministers must ensure that the net Scottish emissions account for the year 2040 is at least 90% lower than the baseline.”>

**Mark Ruskell**

**13** After section 2, insert—

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

- (1) The Climate Change (Scotland) Act 2009 is modified as follows.
- (2) In section 36—
  - (a) in subsection (2), for the words “As soon as reasonably practicable after” substitute “Before the expiry of the period of six months beginning with the day on which”,
  - (b) after subsection (2) insert—
    - “(3) The policies and proposals referred to in subsection (2) must be in addition to the policies and proposals set out in the most recent climate change plan laid under section 35.
    - (4) The report must set the respective contribution towards reducing emissions that each policy and proposal can be expected to make.”.>

**Mark Ruskell**

**62** After section 2, insert—

**<Relevant body: resources**

- (1) The Climate Change (Scotland) Act 2009 is modified as follows.
- (2) In section 20A, after subsection (1), insert—
  - “(1A) The Scottish Ministers must seek to ensure that the amount of resources allocated for use by the relevant body is reasonably sufficient to enable it to perform its functions in relation to provision about Scottish carbon budgets under this Act.
  - (1B) The Scottish Ministers must, for each financial year, prepare and publish a report setting out their assessment of whether the amount of resources allocated for use by the relevant body in the financial year to which the report relates was sufficient to enable it to perform its functions in relation to provision about Scottish carbon budgets under this Act.
  - (1C) In preparing the report under subsection (1B), the Scottish Ministers must seek the views of the relevant body.”.>

**Section 3**

**Sarah Boyack**

**55** In section 3, page 7, line 23, leave out subsection (2) and insert—

- <( ) In section 35(1), in paragraph (a)—
- (a) for “5 years” substitute “2 months”,
  - (b) for “this section comes” substitute “the first regulations setting a Scottish carbon budget come”.>

### After section 3

#### Patrick Harvie

17 After section 3, insert—

##### <Content of climate change plan

- (1) The Climate Change (Scotland) Act 2009 is modified as follows.
- (2) In section 35, after subsection (20) insert—

“(20A)The plan must also set out the Scottish Ministers’ proposals and policies for assessing the impact of major capital projects on Scottish carbon budgets.”.>

#### Mark Ruskell

18 After section 3, insert—

##### <Content of climate change plan

- (1) The Climate Change (Scotland) Act 2009 is modified as follows.
- (2) In section 35(2)—
  - (a) in paragraph (b), the “and” following sub-paragraph (ii) is repealed,
  - (b) after paragraph (b) insert—

“(ba) the respective contribution that each proposal and policy can be expected to make towards meeting the emissions reduction targets during the plan period, and”,>

#### Maurice Golden

21 After section 3, insert—

##### <Content of climate change plan in relation to carbon budgets

- (1) The Climate Change (Scotland) Act 2009 is modified as follows.
- (2) In section 35(21), after “plan” the second time it occurs insert “, broken down by reference to the period covered by a Scottish carbon budget in which those costs and benefits are expected to arise”.>

#### Sarah Boyack

56 After section 3, insert—

##### <Content of climate change plan: contribution of policies to meeting targets

- (1) The Climate Change (Scotland) Act 2009 is modified as follows.
- (2) In section 35(5)—
  - (a) the words “the Scottish Ministers’ proposals and policies regarding” are repealed,
  - (b) after “contributions” insert “(in measurable terms)”,
  - (c) the words “each of the sectors mentioned in subsection (3)” become paragraph (a),
  - (d) after that paragraph insert “, and

- (b) each group of associated policies set out in the plan.”.>

**Mark Ruskell**

19 After section 3, insert—

**<Preparation of climate change plan: public consultation**

- (1) The Climate Change (Scotland) Act 2009 is modified as follows.  
(2) After section 35, insert—

**“35ZA Preparation of climate change plan**

- (1) The Scottish Ministers must carry out a public consultation to inform the proposals and policies to be set out in a climate change plan laid under section 35.  
(2) A consultation under subsection (1) may use deliberative democratic processes.  
(3) Subsection (1) does not apply to the first plan laid under section 35(1).”.>

**Mark Ruskell**

20\* After section 3, insert—

**<Preparation of climate change plan: further consultation**

- (1) The Climate Change (Scotland) Act 2009 is amended as follows.  
(2) In section 35A(1)—  
(a) the “and” following paragraph (a) is repealed,  
(b) after paragraph (a) insert—

“(aa) in addition to the views of the relevant body under section 9(1)(d), request the views of such persons as they consider appropriate with—

- (i) knowledge of international law or policy relating to climate change,  
(ii) scientific knowledge about climate change,  
(iii) technical knowledge of climate change, and”,  
(c) in paragraph (b), after sub-paragraph (ii), insert—

“(ia) any views on the draft plan set out by a person mentioned in paragraph (aa).”.>

**Monica Lennon**

58 After section 3, insert—

**<Requirement to respond to parliamentary reports and resolutions on draft climate change plans**

- (1) The Climate Change (Scotland) Act 2009 is modified as follows.  
(2) In section 35A, after subsection (1) insert—



- “(1A) The Scottish Ministers must publish a response to any—
- (a) resolution of a kind mentioned in sub-paragraph (iii) of subsection (1)(b),  
or
  - (b) report of a kind mentioned in sub-paragraph (iv) of that provision,
- within 3 months of the resolution being passed or (as the case may be) the report being published.
- (1B) The duty under subsection (1A) may be fulfilled by laying a statement before the Parliament in accordance with subsection (2) that addresses the resolution or report in question.”.>

**Maurice Golden**

22 After section 3, insert—

**<Draft of first climate change plan**

- (1) The Climate Change (Scotland) Act 2009 is modified as follows.
- (2) In section 35, after subsection (1) insert—

“(1A) In the case of the first climate change plan, a draft of the plan must be laid before the Parliament by 26 June 2025.”.>

**Graham Simpson**

23 After section 3, insert—

**<Monitoring and evaluation plan for delivering emissions reduction targets**

- (1) The Climate Change (Scotland) Act 2009 is modified as follows.
- (2) After section 36, insert—

**“36A Monitoring and evaluation plan for delivering emissions reduction targets**

- (1) The Scottish Ministers must prepare a monitoring and evaluation plan to identify any risks which might prevent the delivery of future emissions reduction targets.
- (2) The plan prepared under subsection (1) must take into account the most recent monitoring framework published by the relevant body.”.>

**Maurice Golden**

48 After section 3, insert—

**<Report on proposals and policies where targets at risk of not being met**

- (1) The Climate Change (Scotland) Act 2009 is modified as follows.
- (2) In section 35B, after subsection (2) insert—

“(2A) If, when preparing a report under subsection (1), the Scottish Ministers’ assessment of progress is such that they consider that it is more likely than not that an emissions reduction target will not be met, the report must also explain—

- (a) why they consider that to be the case, and
- (b) what they intend to do to ensure the target is met.”.>

## **Monica Lennon**

57 After section 3, insert—

### **<Deadline for report on proposals and policies where targets not met**

- (1) The Climate Change (Scotland) Act 2009 is modified as follows.
- (2) In section 36(2), for the words from “As soon” to “laid” substitute “Within the period of 6 months beginning with the day that the report referred to in subsection (1) is laid before the Parliament”.>

## **Douglas Lumsden**

63 After section 3, insert—

### **<Annual progress reports on climate change plan: further procedure**

- (1) The Climate Change (Scotland) Act 2009 is modified as follows.
- (2) In section 35B, after subsection (3) insert—
  - “(3A) Where the Scottish Ministers lay a report under subsection (1) before the Scottish Parliament—
    - (a) before the expiry of the period of 30 days beginning with the day on which the report is laid, the report must be considered and reported on by a committee of the Scottish Parliament for the time being appointed by virtue of standing orders, and
    - (b) before the expiry of the period of 60 days beginning with the day on which the report is laid, the Scottish Ministers must propose that the report is debated at a meeting of the Parliament.
  - (3B) Where the Scottish Ministers lay a report under subsection (1) before the Scottish Parliament in the final year of the period composed of the current session of the Parliament, the report must be laid no later than 140 days before the day on which the current session is expected to end.
  - (3C) In calculating the periods mentioned in subsections (3A) and (3B), no account shall be taken of any time during which the Parliament is dissolved or in recess for more than 4 days.”>

## **Brian Whittle**

64 After section 3, insert—

### **<Meaning of “relevant body”**

- (1) In section 20A(1), for paragraphs (a) and (b) substitute “the UK Committee on Climate Change or any future equivalent UK independent non-departmental public body”.
- (2) In section 98, in the definition of “relevant body” for “has the meaning given by section 20A(1)” substitute “—
  - (a) in relation to Part 1, has the meaning given by section 20A(1),
  - (b) otherwise means—
    - (i) where no order has been made under section 24(1) designating a person or body as the advisory body, the UK Committee on Climate Change, or

(ii) where such an order has been made, the advisory body.”.>

#### **Section 4**

##### **Monica Lennon**

37 In section 4, page 7, line 36, insert—

<( ) The Scottish Ministers must lay the first draft regulations under section A4 of the 2009 Act before the Scottish Parliament for approval before the expiry of the period of 90 days beginning with the day of Royal Assent.>

##### **Graham Simpson**

45 In section 4, page 7, line 36, at end insert—

<( ) The Scottish Ministers must lay draft regulations under section A4 of the 2009 Act before the Scottish Parliament for approval within the period of 3 months beginning with their receiving the advice that subsection (2) requires them to have received before they conclude their preparation of the first draft regulations.>

##### **Brian Whittle**

49 In section 4, page 8, line 12, leave out <has the meaning given in the 2009 Act> and insert <means the UK Committee on Climate Change or any future equivalent UK independent non-departmental public body>

##### **Brian Whittle**

50 In section 4, page 8, line 12, at end insert—

<“UK Committee on Climate Change” means the Committee on Climate Change established under section 32 of the Climate Change Act 2008.>

#### **After section 4**

##### **Mark Ruskell**

25 After section 4, insert—

##### **<Further provision about setting first budgets: draft climate change plan**

- (1) The Scottish Ministers must, at the same time as laying before the Scottish Parliament for approval a draft of the first regulations setting Scottish carbon budgets under section A4 of the Climate Change (Scotland) Act 2009, publish a draft climate change plan.
- (2) The draft climate change plan published under subsection (1) must set out the Scottish Ministers’ indicative proposals and policies to meet the Scottish carbon budget target for each period to be covered by the draft regulations.>

##### **Mark Ruskell**

26 After section 4, insert—

**<Further provision about setting first budgets: interim climate change plan**

- (1) The Scottish Ministers must lay an interim climate change plan before the Scottish Parliament before the expiry of the period of six months beginning with the day of Royal Assent.
- (2) The interim plan must set out in particular the Scottish Ministers' proposals and policies for reducing emissions during the interim plan period.
- (3) An interim plan under laid under subsection (1) must be approved by resolution of the Scottish Parliament.
- (4) For the purposes of subsection (2), the "interim plan period" means the period beginning with the day of Royal Assent and ending on the day on which the first regulations under section A4 of the Climate Change (Scotland) Act 2009 setting Scottish carbon budgets come into force.>

**Patrick Harvie**

**27** After section 4, insert—

**<Impact of budget proposals on emissions**

- (1) The Climate Change (Scotland) Act is modified as follows.
- (2) In section 94—
  - (a) in subsection (1)—
    - (i) the words "the direct and indirect impact on greenhouse gas emissions of the activities to be funded by virtue of the proposals" become paragraph (a),
    - (ii) after that paragraph insert—

“(b) the financial resources being made available by virtue of the proposals to ensure that the Scottish carbon budget target for that period will be met.”,
  - (b) after subsection (1) insert—

“(2) The Scottish Ministers must take steps to ensure that the document laid under subsection (1) has been independently reviewed by a person with appropriate financial expertise.”.>

**Section 5**

**Brian Whittle**

**51** In section 5, page 8, line 24, leave out from <if> to end of line 26

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