Climate Change (Scotland) Bill

Groupings of Amendments for Stage 3

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the day of Stage 3 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

**Groupings of amendments**

**Note:** The time limits indicated are those set out in the timetabling motion to be considered by the Parliament before the Stage 3 proceedings begin. If that motion is agreed to, debate on the groups above each line must be concluded by the time indicated, although the amendments in those groups may still be moved formally and disposed of later in the proceedings.

**Group 1: The 2050 target**

6

**Group 2: Setting and modification of interim target**

94, 94A, 7, 8, 95, 96, 97, 9, 10, 98, 99, 100, 101, 108, 114, 119, 120, 143

*Notes on amendments in this group*

Amendments 7 and 8 are direct alternatives
Amendment 96 pre-empts amendments 97, 9, 10, 98, 99

*Debate to end no later than 45 minutes after proceedings begin*

**Group 3: Setting annual target – amounts**

11, 12, 13, 14, 15, 16, 17, 18

*Notes on amendments in this group*

Amendment 12 pre-empts amendments 13 and 14

**Group 4: Setting annual targets – criteria**

102, 103, 104, 105, 116

**Group 5: Role of relevant body in relation to annual targets**

19, 20, 20A, 20AA, 21, 106, 29, 30
Group 6: Achievement of annual targets – respective contributions of domestic effort target and crediting of carbon units
22, 23, 24, 25, 26, 27, 90

Debate to end no later than 1 hour 40 minutes after proceedings begin

Group 7: Type of carbon units that may be purchased by Scottish Ministers
107, 113

Group 8: Scottish share of emissions from international aviation and international shipping
109, 110, 111, 146, 112

Group 9: Minor amendments and drafting changes
28, 31, 34, 35, 51

Group 10: Parliamentary consideration of reports etc.
32, 33, 36, 37

Group 11: Energy generating stations – efficiency guidance
147, 54

Debate to end no later than 2 hours 30 minutes after proceedings begin

Group 12: Public bodies – climate change duties
38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 52, 5, 5A, 91, 92

Group 13: Application of biodiversity duty
53

Group 14: Contribution of planning and building regulation to reduction of emissions
121, 137, 137A, 137B, 138, 138A

Group 15: Definition of “energy efficiency”
122, 123

Group 16: Assessment of energy performance of buildings
55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66

Debate to end no later than 3 hours 10 minutes after proceedings begin

Group 17: Council tax and non-domestic rates – energy efficiency discounts

Group 18: District heating
133
Group 19: Energy efficiency – modification of repairing standard for tenanted housing
134
Debate to end no later than 4 hours after proceedings begin

Group 20: Climate change burdens
135

Group 21: Permitted development rights – microgeneration equipment
71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 144, 145

Group 22: Promotion of water conservation and water-use efficiency
136

Group 23: Energy performance of Scottish civil estate
139, 140

Group 24: Waste regulations
85, 87, 88, 3, 4, 89

Notes on amendments in this group
Amendment 88 pre-empts amendments 3 and 4
Amendment 3 pre-empts amendment 4

Debate to end no later than 4 hours 50 minutes after proceedings begin

Group 25: Charges for supply of carrier bags
2

Group 26: Public engagement
86

Group 27: Scottish Executive budget – impact on greenhouse gases
141

Group 28: Judicial review
142

Debate to end no later than 5 hours 30 minutes after proceedings begin
Amendments in debating order

Group 1: The 2050 target

Patrick Harvie

6 In section 1, page 1, line 12, leave out <80%> and insert <90%>

Group 2: Setting and modification of interim target

Sarah Boyack
Supported by: Des McNulty

94* Before section 2, insert—

<Setting and modification of interim target

(1) The Scottish Ministers must ensure that the net Scottish emissions account for the year 2020 is at least 40% lower than the baseline.

(2) In this Act, the target set out in subsection (1) is known as the “interim target”.

(3) The Scottish Ministers may, by order, modify the percentage figure mentioned in subsection (1) so as to substitute—

(a) a figure provided by the relevant body by virtue of subsection (4)(b); or
(b) a higher figure,

for the one for the time being mentioned there.

(4) The Scottish Ministers must, as soon as reasonably practicable after the Bill for this Act receives Royal Assent, request advice from the relevant body as to (having regard to the criteria set out in subsection (5))—

(a) whether the percentage figure for the time being mentioned in subsection (1) is the highest achievable interim target; and
(b) if not, what the highest achievable interim target is.

(5) The criteria referred to in subsection (4) are—

(a) scientific knowledge about climate change;
(b) technology relevant to climate change;
(c) economic circumstances, in particular the likely impact of the target on—

(i) the Scottish economy;
(ii) the competitiveness of particular sectors of the Scottish economy;
(iii) small and medium-sized enterprises;
(iv) jobs and employment opportunities;
(d) fiscal circumstances, in particular the likely impact of the target on taxation, public spending and public borrowing;
(e) social circumstances, in particular the likely impact of the target on those living in poorer or deprived communities;
(f) the likely impact of the target on those living in remote rural communities and island communities;

(g) energy policy, in particular the likely impact of the target on energy supplies, the renewable energy sector and the carbon and energy intensity of the Scottish economy;

(h) environmental considerations and, in particular, the likely impact of the targets on biodiversity;

(i) European and international law and policy relating to climate change.

(6) The Scottish Ministers must publish the advice requested under subsection (4) by 31 December 2009 (or, if the advice is not published by that date, as soon as reasonably practicable afterwards).

(7) Where the relevant body has provided advice of the kind mentioned in subsection (4)(b), the Scottish Ministers must, as soon as reasonably practicable after that advice is published under subsection (6), comply with either of the duties set out in subsection (8).

(8) The duties are—

(a) to lay before the Scottish Parliament a draft of a statutory instrument containing an order under subsection (3) substituting for the percentage figure for the time being mentioned in subsection (1) the figure provided by the relevant body by virtue of subsection (4)(b); or

(b) to make a statement to the Scottish Parliament setting out the reasons why no such order has been laid.

(9) If an appropriate Community instrument comes into force, the Scottish Ministers must, before the expiry of the appropriate period, lay a draft of a statutory instrument containing an appropriate order before the Scottish Parliament.

(10) An “appropriate order” means an order under subsection (3) modifying the percentage figure mentioned in subsection (1) so as to substitute a figure of at least 42%.

(11) An “appropriate Community instrument” means a Community instrument—

(a) which contains a commitment to reduce greenhouse gas emissions by at least 30% compared to 1990 levels by 2020; and

(b) which amends Decision 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community’s greenhouse gas emission reduction commitments up to 2020 in the manner envisaged in Article 8(2) of the Decision.

(12) The “appropriate period” means the period of 3 months beginning with the day on which the appropriate Community instrument comes into force.

(13) If a draft of an appropriate order is not laid before the expiry of the appropriate period, the Scottish Ministers must lay the draft as soon as reasonably practicable afterwards.

(14) Subsections (9) to (13) cease to apply if a figure higher than 42% is, by virtue of a draft of a statutory instrument of the kind mentioned in subsection (8)(a) having been approved by the Scottish Parliament, the percentage figure for the time being mentioned in subsection (1).>
Stewart Stevenson

94A* As an amendment to amendment 94, line 4, leave out <40%> and insert <42%>

Patrick Harvie

7 In section 2, page 1, line 17, leave out <34%> and insert <50%>

Alison McInnes

8 In section 2, page 1, line 17, leave out <34%> and insert <42%>

Sarah Boyack
Supported by: Des McNulty

95 Leave out section 2

Patrick Harvie

96 In section 2A, page 1, line 22, leave out subsections (2) to (6)

Stewart Stevenson

97 In section 2A, page 1, line 22, after <instrument> insert <; or

( ) an appropriate Order in Council,>

Stewart Stevenson

9 In section 2A, page 2, line 4, leave out <the Decision of 26 March 2009> and insert <Decision 406/2009/EC>

Stewart Stevenson

10 In section 2A, page 2, line 5, after <Council> insert <of 23 April 2009>

Stewart Stevenson

98 In section 2A, page 2, line 7, at end insert—

<( ) An “appropriate Order in Council” means an Order in Council under section 30(2) of the Scotland Act 1998 (c.46)—

(a) which modifies Part 2 of schedule 5 to that Act so that—

(i) in Head A, in Section A1, the words “Fiscal, economic and monetary policy”;

(ii) Head D; and

(iii) in Head E, Sections E1, E2 (other than the words from “Rail transport security” to “Railway Heritage Act 1996”), E3 and E4,

cease to have effect; or

(b) which, taken together with other such Orders, so modifies that schedule.>

Stewart Stevenson

99 In section 2A, page 2, line 9, after <instrument> insert <or appropriate Order in Council>
Sarah Boyack
Supported by: Des McNulty

100 Leave out section 2A

Shirley-Anne Somerville

101 After section 2A, insert—

<Advice on the interim target>

(1) The Scottish Ministers must, as soon as reasonably practicable and, in any event, before laying a draft of a statutory instrument containing the first order under section 4(1) before the Scottish Parliament, request advice from the relevant body on what interim target that body considers is appropriate.

(2) The Scottish Ministers must publish the advice requested under subsection (1) as soon as reasonably practicable after they receive it.

(3) The Scottish Ministers must have regard to that advice and, if they consider it appropriate to do so, lay a draft of a statutory instrument containing an order under section 2A(1) before the Scottish Parliament.

(4) If—

(a) the relevant body recommends that the interim target should be a higher percentage figure than the one for the time being mentioned in section 2(1); and

(b) the Scottish Ministers do not consider that the figure recommended is appropriate, the Scottish Ministers must lay before the Scottish Parliament a report setting out the reasons why.

(5) The Scottish Ministers must, as soon as reasonably practicable after laying a report before the Scottish Parliament under subsection (4), and in so far as reasonably practicable, make a statement to the Parliament relating to the report.>

Patrick Harvie

108 In section 12A, page 8, line 19, leave out subsections (1) and (2)

Sarah Boyack
Supported by: Des McNulty

114* In section 19, page 12, line 12, leave out <2> and insert <(Setting and modification of interim target)(1)>

Sarah Boyack
Supported by: Des McNulty

119 In section 45D, page 26, line 5, leave out <2> and insert <(Setting and modification of interim target)(1)>

Sarah Boyack
Supported by: Des McNulty

120 In section 47, page 27, line 11, leave out <2> and insert <(Setting and modification of interim target)(1)>
Sarah Boyack  
Supported by: Des McNulty
143 In section 65, page 50, line 26, leave out <2(2)> and insert <(Setting and modification of interim target)(2)>

Group 3: Setting annual target – amounts

Alison McInnes
11 In section 3, page 2, line 20, after <is> insert <at least 3%>

Patrick Harvie  
Supported by: Alison McInnes
12 In section 3, page 2, leave out lines 22 to 24

Stewart Stevenson
13 In section 3, page 2, line 23, leave out <time of the net Scottish emissions account> and insert <that period of net Scottish emissions accounts>

Stewart Stevenson
14 In section 3, page 2, line 24, after <target> insert <and the 2050 target>

Patrick Harvie  
Supported by: Alison McInnes
15 In section 3, page 2, line 25, leave out <2020> and insert <2011>

Stewart Stevenson
16 In section 3, page 2, line 25, after <is> insert—

<(  ) consistent with a reduction over that period of net Scottish emissions accounts which would allow the 2050 target to be met; and

(  )>

Patrick Harvie
17 In section 3, page 2, line 25, leave out <3%> and insert <4.5%>

Stewart Stevenson
18 In section 4, page 3, line 5, leave out subsection (3)

Group 4: Setting annual targets – criteria

Shirley-Anne Somerville
102 In section 4, page 3, line 9, at end insert—
The Scottish Ministers must, when setting annual targets, have regard to any advice they receive from the relevant body as to the cumulative amount of net Scottish emissions for the period 2010-2050 that is consistent with a reduction over that period of net Scottish emissions accounts which would allow the 2050 target to be met.

Alison McInnes

103 In section 4, page 3, line 11, at end insert—

<( ) the objective of not exceeding the fair and safe Scottish emissions budget;>

Alison McInnes

104 In section 4, page 3, line 33, at end insert—

<( ) In this Act, the “fair and safe Scottish emissions budget” is the aggregate amount of net Scottish emissions for the period 2010-2050 recommended by the relevant body as being consistent with Scotland contributing appropriately to stabilisation of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.>

Shirley-Anne Somerville

105 In section 5, page 4, line 1, at end insert—

<( ) The request for advice must also include a request for the relevant body’s views as to the cumulative amount of net Scottish emissions for the period 2010-2050 that is consistent with a reduction over that period of net Scottish emissions accounts which would allow the 2050 target to be met.>

Shirley-Anne Somerville

116 In section 22, page 14, line 6, at end insert—

<( ) When providing advice under subsection (1)(a), the advisory body must also express a view as to the cumulative amount of net Scottish emissions for the period 2010-2050 that is consistent with a reduction over that period of net Scottish emissions accounts which would allow the 2050 target to be met.>

Group 5: Role of relevant body in relation to annual targets

Stewart Stevenson

19 In section 5, page 3, line 36, leave out <and publish>

Stewart Stevenson

20 In section 5, page 3, line 38, leave out subsection (1A) and insert—

<( ) The request for advice must include requests for the relevant body’s views—

(a) in the case of annual targets proposed for years in the period 2010-2020, as to whether those targets are consistent with a reduction over that period of net Scottish emissions accounts which would allow the interim target and the 2050 target to be met;
(b) in the case of annual targets proposed for years in the period 2021-2050, as to whether those targets are consistent with a reduction over that period of net Scottish emissions accounts which would allow the 2050 target to be met;

(c) in any case, as to what annual targets are appropriate by reference to the target-setting criteria.

Patrick Harvie

20A  As an amendment to amendment 20, line 11, at end insert—

<

( ) as to the extent to which the annual targets should be met—

(A) by taking action to reduce net Scottish emissions;

(B) by the use of carbon units that in accordance with section 12(1A) and regulations under section 12(2) may be credited to the net Scottish emissions account;

( ) as to the respective contributions towards meeting the annual targets and the domestic effort target that should be made—

(A) by the traded sector of the Scottish economy;

(B) by the other sectors of the Scottish economy;

( ) as to the respective contributions towards meeting the annual targets and the domestic effort target that should be made by—

(A) energy efficiency;

(B) energy generation;

(C) land use;

(D) transport;

( ) as to the average greenhouse gas emissions per megawatt hour of electricity generated in Scotland that would be compatible with the delivery of the annual targets for the period to which the advice applies;

( ) as to the level of average greenhouse gas emissions per megawatt hour of electricity generated that should be achieved by new, extended or refurbished generating capacity approved during the period to which the advice applies;

( ) as to what cumulative amount of the net Scottish emissions account for all years between 2010 and 2050 it considers, in the light of current scientific understanding, would comprise an equitable Scottish contribution to a global greenhouse gas emissions budget consistent with the stabilisation of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

Stewart Stevenson

20AA* As an amendment to amendment 20A, leave out lines 17 to 29

Stewart Stevenson

21  In section 5, page 4, line 1, at end insert—
<( ) The Scottish Ministers must publish the advice requested under subsection (1) as soon as reasonably practicable after they receive it.>

**Patrick Harvie**

106 In section 5, page 4, line 17, at end insert—

<( ) In this section, “traded sector” means the sectors of the Scottish economy which are covered by trading schemes within the meaning of section 44 of the 2008 Act.>

**Stewart Stevenson**

29 In section 22, page 13, line 26, leave out from <as> to <view> in line 27 and insert—

<( ) in the case of annual targets proposed for years in the period 2010-2020, as to whether those targets are consistent with a reduction over that period of net Scottish emissions accounts which would allow the interim target and the 2050 target to be met;

( ) in the case of annual targets proposed for years in the period 2021-2050, as to whether those targets are consistent with a reduction over that period of net Scottish emissions accounts which would allow the 2050 target to be met;

( ) in any case, as to what annual targets are appropriate>

**Stewart Stevenson**

30 In section 22, page 14, line 6, at end insert—

<( ) When providing advice under subsection (1)(a), the advisory body may also express a view as to any other matter that body considers appropriate including, in particular, as to any sectors of the Scottish economy in which there are particular opportunities for contributions to be made towards meeting annual targets through reductions in emissions of greenhouse gases.>

**Group 6: Achievement of annual targets – respective contributions of domestic effort target and crediting of carbon units**

**Stewart Stevenson**

22 In section 7A, page 5, line 16, after <must> insert <endeavour to>

**Stewart Stevenson**

23 In section 7A, page 5, line 19, at end insert—

<(2A) For the purposes of ascertaining whether the domestic effort target has been met, any reduction to the net Scottish emissions account as a result of the crediting to that account of a net amount of European carbon units mentioned in subsection (2B) is to be treated as though it is a reduction in net Scottish emissions.

(2B) In subsection (2A), “European carbon units” means carbon units which are surrendered by participants in—

(a) the European Union Emissions Trading Scheme (“EUETS”); or

(b) such other trading scheme making provision equivalent to the EUETS as the Scottish Ministers may, by order, specify.>
(2C) In subsection (2B), “trading scheme” means a trading scheme within the meaning of section 44 of the 2008 Act.>

Stewart Stevenson

24 In section 7A, page 5, line 23, leave out subsection (4) and insert—

<( ) The Scottish Ministers must, before laying a draft of a statutory instrument containing an order under subsection (3) before the Scottish Parliament, request advice from the relevant body.>

Stewart Stevenson

25 In section 12A, page 8, line 23, at end insert—

<( ) The Scottish Ministers may only credit to the net Scottish emissions account for a year in the period 2013-2017 any carbon units purchased by them up to a limit of 20% of the reduction in the amount of the net Scottish emissions account planned for that year.>

Stewart Stevenson

26 In section 18A, page 10, line 27, leave out subsection (A1)

Stewart Stevenson

27 In section 18A, page 10, line 34, at end insert—

<( ) for the period 2013-2017, no later than 31 December 2011;>

Stewart Stevenson

90 In section 65, page 50, line 22, at end insert—

<“domestic effort target” has the meaning given by section 7A(2);>

Group 7: Type of carbon units that may be purchased by Scottish Ministers

Malcolm Chisholm

107* In section 12, page 8, line 17, at end insert—

<( ) The regulations referred to in subsection (2) must contain provision for ensuring that any carbon units purchased by the Scottish Ministers—

(a) represent a reduction in greenhouse gas emissions (or a removal of greenhouse gas from the atmosphere) that would not otherwise have occurred; and

(b) relate to projects which benefit, and promote sustainable development in, the country in which the reduction in emissions referred to in paragraph (a) is taking place (or in which the activities giving rise to the removal of greenhouse gases referred to in that paragraph are taking place).>

Malcolm Chisholm

113 In section 18A, page 11, line 7, leave out subsection (4)
Group 8: Scottish share of emissions from international aviation and international shipping

Patrick Harvie

109 In section 14, page 8, line 33, leave out from <may> to end of line 38 and insert—

<(a) must make provision for emissions from international aviation and international shipping of—

(i) in the case of the first order under that subsection, each greenhouse gas; and

(ii) in the case of any subsequent order under subsection (1), any gas added to the list of greenhouse gases in section 9(1) since the last such order was made,

 to be taken into account as Scottish emissions of each such gas in the period starting with the 1 January following the order being approved by the Scottish Parliament and ending on 31 December 2050;

(aa) may make provision as to any past period in which emissions of a greenhouse gas are to be taken into account as Scottish emissions of that gas;

(ab) may not, once emissions from international aviation and international shipping of a greenhouse gas are, by virtue of a previous order under subsection (1), being taken into account as Scottish emissions of that gas, provide for such emissions to cease to be taken into account as Scottish emissions of that gas;

(b) must, subject to subsection (2ZA), make provision as to the manner in which emissions from international aviation and international shipping of each greenhouse gas are to be taken into account in determining Scottish emissions of that gas—

(i) for the year that is the baseline year for that gas; and

(ii) in the period during which such emissions of that gas are to be taken into account as Scottish emissions of that gas.

(2ZA) Provision made by virtue of subsection (2)(b) must include the use, for each greenhouse gas, of a multiplier which reflects the direct and indirect non-carbon dioxide climate change impacts of emissions at altitude from international aviation.>

Des McNulty

110 In section 14, page 8, line 39, after <(1)> insert <in relation to international aviation>

Des McNulty

111 In section 14, page 8, line 40, at end insert—

<(2AA) A draft of a statutory instrument containing the first order under subsection (1) in relation to international shipping must be laid before the Scottish Parliament no later than 1 June 2011.>
Stewart Stevenson

146* In section 14, page 9, line 1, after <(2A),> insert <or, as the case may be, subsection (2AA),>

Patrick Harvie

112 In section 14, page 9, line 5, at end insert <(including advice as to an appropriate multiplier for each greenhouse gas for the purposes of subsection (2ZA))>

Group 9: Minor amendments and drafting changes

Stewart Stevenson

28 In section 19, page 12, line 14, after <27> insert <and 45C>

Stewart Stevenson

31 In section 29, page 17, line 16, leave out <the amount of the net Scottish emissions account for an earlier target year> and insert <an amount mentioned in subsection (3)(a) or subsection (4A)(a) or (b) for an earlier period>

Stewart Stevenson

34 In section 31B, page 18, line 21, after <reducing> insert <net Scottish>

Stewart Stevenson

35 In section 31B, page 18, line 22, leave out <time of the net Scottish emissions account> and insert <the period 2010-2020 of net Scottish emissions accounts>

Stewart Stevenson

51 In section 38, page 22, line 3, leave out <is taking> and insert <has taken, is taking or intends to take>

Group 10: Parliamentary consideration of reports etc.

Stewart Stevenson

32* In section 30, page 17, line 27, at end insert—

<(1A) The Scottish Ministers must, before laying a report under this section before the Scottish Parliament, lay a draft of the report before the Parliament.

(1B) The Scottish Ministers may not lay the report before the expiry of the period for Parliamentary consideration.

(1C) In subsection (1B), the “period for Parliamentary consideration” means the period of 60 days, of which no fewer than 30 must be days on which the Parliament is not dissolved or in recess.

(1D) The Scottish Ministers must, before laying the report before the Parliament, have regard to—

(a) any representations on the draft report made to them;
(b) any resolution relating to the draft report passed by the Parliament; and
(c) any report relating to the draft report published by any committee of the Parliament for the time being appointed by virtue of standing orders.

(1E) The Scottish Ministers must, when laying the report before the Parliament, lay a statement setting out—
(a) details of any representations, resolutions or reports mentioned in subsection (1D);
(b) the changes (if any) they have made to the report in response to such representations, resolutions or reports and the reasons for those changes.

(1F) The Scottish Ministers must, as soon as reasonably practicable after laying a report under this section, and in so far as reasonably practicable, make a statement to the Parliament relating to the report.

Stewart Stevenson

33 In section 30, page 17, line 33, at end insert—
<( ) The report must also set out the Scottish Ministers’ proposals and policies regarding the respective contributions towards meeting the annual targets that should be made by—
(a) energy efficiency;
(b) energy generation;
(c) land use;
(d) transport.>

Stewart Stevenson

36 In section 34, page 20, leave out line 3

Stewart Stevenson

37 In section 34, page 20, line 13, leave out subsection (4) and insert—
<( ) The Scottish Ministers must have regard to—
(a) any resolution passed by the Scottish Parliament;
(b) any report published by any committee of the Parliament for the time being appointed by virtue of standing orders,
relating to the content of any report referred to in subsection (2).>
(2) The report must, in so far as reasonably practicable, set out the impact on net Scottish emissions during that year resulting from the exercise by the Scottish Ministers of the functions conferred on them by virtue of any enactment relating to electricity generation.

Stewart Stevenson

54 Leave out section 49A

**Group 12: Public bodies – climate change duties**

Stewart Stevenson

38 In section 36, page 20, line 27, leave out subsections (A1) and (A2) and insert—

(A1) A relevant public body must, in so far as reasonably practicable, exercise its functions in a manner which reduces the emissions of greenhouse gases that are attributable to its activities.

(A2) A relevant public body must, in complying with subsection (A1), take into account the need to do so in a way that contributes to the achievement of sustainable development.

(A3) The duty in subsection (A1) applies only in so far as it is consistent with the proper exercise of the relevant public body’s functions.

Stewart Stevenson

39 In section 36, page 20, line 36, after <on> insert <relevant>

Stewart Stevenson

40 In section 36, page 20, line 36, after <of> insert <further>

Stewart Stevenson

41 In section 36, page 21, line 1, leave out <duties> and insert <duty>

Stewart Stevenson

42 In section 36, page 21, line 2, leave out <Act> and insert <Part>

Stewart Stevenson

43 In section 36, page 21, line 3, leave out subsection (2)

Stewart Stevenson

44 In section 36, page 21, line 7, after <all> insert <relevant>

Stewart Stevenson

45 In section 36, page 21, line 8, at beginning insert <relevant>

Stewart Stevenson

46 In section 36, page 21, line 9, after <individual> insert <relevant>
Stewart Stevenson

47 In section 36, page 21, line 10, after second <different> insert <relevant>

Stewart Stevenson

48 In section 36, page 21, line 11, after <of> insert <relevant>

Stewart Stevenson

49 In section 36, page 21, line 21, at end insert—

<(7) In this Part, a “relevant public body” is—

(a) a local authority;

(b) a devolved public body within the meaning of section 28(1) of and schedule 3 to the Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7).>

Stewart Stevenson

52 In section 38, page 22, line 6, at end insert—

<(1A) A report required by virtue of subsection (1)(a) must, in particular, contain information relating to how—

(a) procurement policies of relevant public bodies; and

(b) procurement activity by relevant public bodies,

have contributed to compliance with climate change duties.>

Cathy Peattie

5 In section 62, page 48, line 7, at end insert—

<( ) public bodies (as defined in section 36(A2))>

Stewart Stevenson

5A As an amendment to amendment 5, leave out line 2 and insert—

<( ) relevant public bodies>

Stewart Stevenson

91 In section 65, page 50, line 37, leave out <36(2)> and insert <36(7)>

Stewart Stevenson

92 In section 67, page 51, line 19, after <after> insert <the day on which the Bill for>

Group 13: Application of biodiversity duty

Stewart Stevenson

53 In section 47, page 27, line 22, leave out <, trust established or person appointed> and insert <or trust established>
Group 14: Contribution of planning and building regulation to reduction of emissions

Sarah Boyack

121 In section 48, page 27, line 35, at end insert—

<(  ) The plan must also include details of how the Scottish Ministers intend to update planning and building regulations to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use, calculated on the basis of the approved design and plans for the specific building, through the installation and operation of low and zero-carbon generating technologies.>

Sarah Boyack

137 After section 51B, insert—

<Development plans

Development plans: inclusion of greenhouse gas emissions policies

After section 3E of the Town and Country Planning (Scotland) Act 1997 (c.8) insert—

“3F Greenhouse gas emissions policies

A planning authority, in any local development plan prepared by them, must include policies requiring all developments in the local development plan area to be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use, calculated on the basis of the approved design and plans for the specific development, through the installation and operation of low and zero-carbon generating technologies.”.>

Sarah Boyack

137A As an amendment to amendment 137, line 6, after <A> insert—

<(  ) strategic development planning authority, in their strategic development plan; and

(  )>

Sarah Boyack

137B* As an amendment to amendment 137, line 7, after <the> insert <strategic development plan area or, as the case may be, the>

Sarah Boyack

138 After section 51B, insert—

<Annual report on operation of section (Development plans: inclusion of greenhouse gas emissions policies)

(1) The Scottish Ministers must—

(a) not later than one year after the day on which section (Development plans: inclusion of greenhouse gas emissions policies) comes into force; and

(b) annually thereafter,
lay before the Scottish Parliament a report on the operation of the requirement on relevant planning authorities to include policies within development plans under that section, including an assessment of whether those requirements have contributed effectively to the reduction of greenhouse gas emissions from developments.

(2) The fourth and subsequent reports under subsection (1) must include an assessment of the continuing need or otherwise for the requirement on relevant planning authorities to include policies within development plans; and if the requirement is considered by the Scottish Ministers to be no longer necessary, the Scottish Ministers may by order repeal section (Development plans: inclusion of greenhouse gas emissions policies) and this section.

Stewart Stevenson

138A* As an amendment to amendment 138, line 16, leave out <section (Development plans: inclusion of greenhouse gas emissions policies)> and insert <section 3F of the Town and Country Planning (Scotland) Act 1997>

Group 15: Definition of “energy efficiency”

Des McNulty

122 In section 48, page 28, line 21, after <materials> insert <and equipment>

Des McNulty

123 In section 48, page 28, line 22, after <materials> insert <and equipment>

Group 16: Assessment of energy performance of buildings

Stewart Stevenson

55 In section 50, page 31, line 27, leave out from beginning to <other> in line 28 and insert <such>

Stewart Stevenson

56 In section 50, page 31, line 28, at end insert—

<( ) The regulations may provide for the functions of the enforcement authority to be exercised by two or more such authorities and about the functions of each such authority.>

Stewart Stevenson

57 In section 50, page 31, line 31, at end insert—

<( ) The Scottish Ministers must, no later than 12 months after the day on which this section comes into force, publish a report setting out—

(a) what measures they intend to take to reduce emissions from non-domestic buildings; and

(b) when they intend to make provision as mentioned in paragraphs (ha) and (hb) of subsection (2).>
Stewart Stevenson
58 In section 50A, page 32, line 3, leave out <may> and insert <must>

Stewart Stevenson
59 In section 50A, page 32, line 3, leave out <make provision relating to the assessment and improvement> and insert—

<(  ) provide for the assessment>

Stewart Stevenson
60 In section 50A, page 32, line 6, leave out <living> and insert <or otherwise associated with such>

Stewart Stevenson
61 In section 50A, page 32, line 6, at end insert—

<(  ) require owners of such accommodation to take steps, identified by such assessments, to—

(i) improve the energy performance of such accommodation;

(ii) reduce such emissions.>

Stewart Stevenson
62 In section 50A, page 32, line 15, leave out <the> and insert <or otherwise associated with>

Stewart Stevenson
63 In section 50A, page 32, line 18, at end insert—

<(ha) the form of any recommendations, contained in such certificates, as to the improvement of the energy performance of, and the reduction of emissions produced by or otherwise associated with, living accommodation;

(hb) the manner in which and periods within which persons must take steps to comply with any recommendations contained in such certificates;

(hc) the registration of such certificates;

(hd) the disclosure of information which is entered in the register;>

Stewart Stevenson
64 In section 50A, page 32, line 25, at end insert—

<(  ) The regulations may provide for the functions of the enforcement authority to be exercised by two or more such authorities and about the functions of each such authority.>

Stewart Stevenson
65 In section 50A, page 32, line 28, at end insert—

<(  ) The Scottish Ministers must, no later than 12 months after the day on which this section comes into force, publish a report setting out—

(a) what measures they intend to take to reduce emissions from living accommodation; and
(b) when they intend to make provision as mentioned in paragraphs (ha) and (hb) of subsection (2).

Stewart Stevenson

66 In section 50A, page 32, line 28, at end insert—

<( ) In this section, “living accommodation”—

(a) means a dwelling; and

(b) includes—

(i) any building having a total useful floor area of 50m² or more; and

(ii) any common areas,

associated with such a dwelling.>

Group 17: Council tax and non-domestic rates – energy efficiency discounts

Stewart Stevenson

67 After section 50A, insert—

<Energy efficiency discount schemes>

Power of local authorities to establish energy efficiency discount schemes

(1) The Local Government Finance Act 1992 (c.14) is amended as follows.

(2) After section 80 (reduced amounts payable in respect of council tax), insert—

“80A Local authority’s power to reduce amount of tax payable

(1) A local authority may, if it considers it appropriate to do so, establish a scheme for reducing the amounts which persons are liable to pay in respect of council tax where improvements are made to the energy efficiency of chargeable dwellings.

(2) A scheme established under subsection (1) is an “energy efficiency discount scheme”.

(3) An energy efficiency discount scheme may make such provision as the local authority considers appropriate, including, in particular, provision about—

(a) the energy efficiency improvements to which the scheme applies;

(b) the chargeable dwellings to which the scheme applies;

(c) the valuation band or bands in which such dwellings must be listed;

(d) the area or areas to which the scheme applies;

(e) the reduction, which may be made under the scheme, in the amount which persons are liable to pay in respect of council tax;

(f) applications under the scheme.

(4) But, under an energy efficiency discount scheme, the amount which a person is liable to pay in respect of council tax may be reduced only where each of the conditions mentioned in subsection (5) is met (whatever other conditions may require to be met under the scheme).
(5) Those conditions are—
   (a) the person is liable to pay council tax in respect of a chargeable dwelling and any day;
   (b) the dwelling is situated in an area to which the scheme applies;
   (c) improvements are made to the energy efficiency of that dwelling (whether by the person liable to pay or not);
   (d) those improvements are made during the same financial year to which the reduction of the amount which the person is liable to pay in respect of council tax relates;
   (e) the amount which the person is liable to pay in respect of that year has not already been reduced under the scheme in respect of those improvements;
   (f) the amount which any other person is liable to pay in respect of council tax in respect of that dwelling and that year has not been reduced under the scheme in respect of those improvements.

(6) In ascertaining whether the condition in subsection (5)(f) is met, no account is to be taken of any person who is jointly and severally liable, with the person mentioned in subsection (5)(a), to pay council tax in respect of the dwelling.

(7) The local authority may, under an energy efficiency discount scheme, reduce the amount which a person is liable to pay in respect of a dwelling to nil.

(8) In this section—
   “energy efficiency” includes the use of—
   (a) technologies reliant on sources of energy other than fossil fuel and nuclear fuel;
   (b) materials the manufacture or use of which produces or involves lower emissions of greenhouse gases than other materials; and
   (c) surplus heat from electricity generation or other industrial sources for district heating or other purposes;
   “fossil fuel” means—
   (a) coal;
   (b) lignite;
   (c) peat;
   (d) natural gas (within the meaning of the Energy Act 1976 (c.76));
   (e) crude liquid petroleum;
   (f) petroleum products (within the meaning of that Act);
   (g) any substance produced directly or indirectly from a substance mentioned in paragraphs (a) to (f);
   “greenhouse gas” has the meaning given by section 9(1) of the Climate Change (Scotland) Act 2009 (asp 00).”.

(3) In schedule 2, after paragraph 21 (effect of reduction of liability to pay council tax under section 13A), insert—
“22 (1) This paragraph applies where a local authority exercises the power under section 80A to establish an energy efficiency discount scheme.

(2) Where, under an energy efficiency discount scheme, the amount which a person is liable to pay in respect of council tax is reduced, any amount in relation to which the reduction applies is to be treated for the purposes of this schedule as subject to a discount equal to the amount of the reduction.”;

Lewis Macdonald

67A As an amendment to amendment 67, line 7, leave out <may, if it considers it is appropriate to do so,> and insert <must>

Lewis Macdonald

67B As an amendment to amendment 67, leave out line 17

Lewis Macdonald

67C As an amendment to amendment 67, leave out line 18

Lewis Macdonald

67D As an amendment to amendment 67, leave out line 29

Stewart Stevenson

67F* As an amendment to amendment 67, line 43, insert—

<(6A) The minimum reduction which may be provided for under an energy efficiency discount scheme must be—

(a) where the amount which the person is liable to pay in respect of council tax is £50 or more, no less than £50;

(b) where the amount which the person is liable to pay in respect of council tax is less than £50, an amount equal to that person’s liability.>

Lewis Macdonald

67E As an amendment to amendment 67, line 67, leave out from <exercises> to end of line 68 and insert <establishes an energy efficiency discount scheme under section 80A.>

Lewis Macdonald

125 After section 50A, insert—

<Review of energy efficiency discount schemes

(1) The Scottish Ministers must, as soon as practicable after 31 March 2012 and annually thereafter, lay before the Scottish Parliament a report on the operation of energy discount schemes established under section 80A of the Local Government Finance Act 1992 (c.14), which must include an assessment of whether the reductions thereby provided for have contributed effectively to promoting energy efficiency improvements and technologies reliant on renewable sources of energy or heat.

(2) The Scottish Ministers may by regulations amend the provisions for energy efficiency discount schemes set out in this Act.>
125A* As an amendment to amendment 125, line 4, after <energy> insert <efficiency>

125B* As an amendment to amendment 125, line 7, leave out from <improvements> to end of line 10 and insert—

<(2) The Scottish Ministers may, if they consider it appropriate, by order amend section 80A of the Local Government Finance Act 1992 for the purpose of improving the contribution of energy efficiency discount schemes to promoting energy efficiency.>

126 In section 50B, page 34, line 11, at end insert—

<( ) provision for the use of surplus heat from electricity generation or other industrial processes for district heating or other sources;>

68 Leave out section 50B

127 In section 50C, page 34, leave out lines 19 to 29 and insert <determined by the local authority but may be no less than £50.>

128 In section 50C, page 34, line 29, at end insert—

<( ) The local authority may reduce the amount of council tax which a person is liable to pay in respect of a dwelling to nil.>

129 In section 50C, page 34, line 29, at end insert—

<( ) In the Local Government Finance Act 1992 (c.14), in Schedule 2, after paragraph 21 (effect of reduction of liability to pay council tax under section 13A), insert—

“22 (1) This paragraph applies where a local authority exercises the power created by regulations under section 80 to establish an energy efficiency discount scheme.

(2) Where, under an energy efficiency discount scheme, the amount which a person is liable to pay in respect of council tax is reduced, any amount in relation to which the reduction applies is to be treated for the purposes of this schedule as subject to a discount equal to the amount of the reduction.”.>

69 Leave out section 50C

130 In section 50D, page 35, line 1, leave out subsections (2) and (3) and insert—

<( ) Further to a report under subsection (1), the Scottish Ministers may, by regulations, amend section 50C.>
Stewart Stevenson
70 Leave out section 50D

Sarah Boyack
131 After section 50D, insert—

<Non-domestic rates reductions to promote energy efficiency

After section 25A of the Local Government (Scotland) Act 1966 (c.51), insert—

“25B Reduction in rates for energy efficiency improvements or installation of technologies reliant on renewable sources of energy or heat

(1) Where a rating authority is satisfied that an energy efficiency improvement has been made during any qualifying financial year to qualifying lands or heritages, the rates payable in respect of those lands and heritages in the next financial year shall be reduced (from the amount they would be otherwise than by virtue of this subsection) in accordance with subsection (4).

(2) Where a rating authority is satisfied that—

(a) qualifying lands and heritages meet a reasonable standard of energy efficiency; and

(b) a qualifying technology reliant on renewable sources of energy or heat system has been installed in or on the lands and heritages during any qualifying financial year,

the rates payable for the next financial year shall be reduced (from the amount they would be otherwise than by virtue of this subsection) in accordance with subsection (4).

(3) Subject to subsection (4)—

(a) any reduction made by virtue of either subsection (1) or (2) is without prejudice to any reduction made by virtue of the other of those subsections, whether those reductions apply in the same financial year, or in different financial years; and

(b) any reduction made by virtue of subsection (1) is without prejudice to any further reduction made by virtue of that subsection, whether those reductions apply in the same financial year, or in different financial years.

(4) The Scottish Ministers shall by regulations specify—

(a) an appropriate amount of reduction;

(b) a maximum number of reductions;

(c) a maximum total reduction,

in the amount of rates payable in respect of the same lands and heritages in any one financial year.

(5) The Scottish Ministers shall by regulations make provision specifying the sort of evidence that a rating authority is to accept as demonstrating that—

(a) an energy efficiency improvement has been made to qualifying lands and heritages;
(b) qualifying lands and heritages meet a reasonable standard of energy efficiency;

and may provide that evidence sufficient to demonstrate that specified energy efficiency improvements, or specified combinations of such improvements, have been made to lands and heritages is sufficient to demonstrate that the lands and heritages meet a reasonable standard of energy efficiency.

(6) A statutory instrument containing regulations made under this section shall be subject to annulment pursuant to a resolution of the Scottish Parliament.

(7) In this section—

“energy efficiency improvement” and “technologies reliant on renewable sources of energy” have the same meanings given by section 50B of the Climate Change (Scotland) Act 2009;

“qualifying financial year” means the financial year beginning on 1 April 2010 or any subsequent financial year;

“qualifying lands and heritages” means such lands and heritages, or such classes of lands and heritages, as are specified in regulations made under this section.”.>

Alex Johnstone

132 After section 50D, insert—

<Non-domestic rates: discounts for energy efficiency etc.

In section 153 (power to prescribe amount of non-domestic rate) of the Local Government etc. (Scotland) Act 1994 (c.39), in subsection (3)—

(a) the words “whose rateable value exceeds, and those whose rateable value does not exceed, a prescribed figure” become paragraph (a), and

(b) at the end insert—

“(b) whose energy efficiency and greenhouse gas emissions fall into different categories prescribed for the purpose of this paragraph in rules under subsection (1).

(3A) Regulations under this section may make provision in relation to how lands and heritages are to be determined to fall within a category prescribed for the purpose of subsection (3)(b) in rules under subsection (1).”.

Stewart Stevenson

93 In the long title, page 1, line 5, after <efficiency> insert <, including provision enabling council tax discounts>
Rateable value of plant and distribution system associated with combined heat and power plants

(1) The Scottish Ministers must bring forward an amendment to the Valuation for Rating (Plant and Machinery) (Scotland) Regulations 2000 (SSI 2000/58).

(2) The amendment required under subsection (1) must specify the circumstances in which combined heat and power district heating equipment which meets the CHPQA standard does or does not fall within the definition of “lands and heritages” in section 42 of the Lands Valuation (Scotland) Act 1854 (c.91).

(3) Regulations making the amendment required under subsection (1) must be laid before the Scottish Parliament no later than 6 months after the day on which this section comes into force.

(4) Before bringing forward the amendment required under subsection (1), the Scottish Ministers must consult, and seek to reach agreement on the contents of the amendment, with organisations which in the opinion of the Scottish Ministers represent relevant business interests, including, in particular, organisations representing the combined heat and power industry.

(5) In this section, “CHPQA” refers to the Combined Heat and Power Quality Assurance Standard, Issue 1, November 2000 originally published by the Department for the Environment, Transport and the Regions (the “Standard”) (including the later of version Final 1.0 or 2.0 of CHPQA Guidance Notes(c) 0 to 4 (including 2(S), 3(S) and 4(S)), 10 to 28 and 30).

Group 19: Energy efficiency – modification of repairing standard for tenanted housing

Lewis Macdonald

After section 50D, insert—

<Repairing standard

Tenanted housing: inclusion of energy efficiency in the repairing standard

In section 13 (the repairing standard) of the Housing (Scotland) Act 2006 (asp 1)—

(a) in subsection (1)—

(i) the word “and” immediately following paragraph (e) is repealed; and

(ii) after paragraph (f), insert “, and

(g) the house achieves a satisfactory standard of energy efficiency”.

(b) after subsection (5), insert—

“(6) The Scottish Ministers must, by regulations, define what constitutes a satisfactory standard of energy efficiency for the purposes of subsection (1)(g).

(7) In drawing up the regulations under subsection (6), the Scottish Ministers must have regard to any guidance they have issued on the energy efficiency of living accommodation.

(8) The regulations mentioned in subsection (6) must, in particular, include provision about—
(a) the procedure and methodology for assessing the energy performance of the house, and

(b) the minimum energy performance standard that must be achieved in relation to the house.”.

Group 20: Climate change burdens

Sarah Boyack

135 After section 50D, insert—

<Climate change burdens

Climate change burdens

After section 46 (health care burdens) of the Title Conditions (Scotland) Act 2003 (asp 9), insert—

“Climate change burdens

46A Climate change burdens

(1) On and after the day on which this section comes into force, it shall be competent to create a real burden in favour of a public body or trust, or of the Scottish Ministers, for the purpose of reducing greenhouse gas emissions; and any such burden shall be known as a “climate change burden”.

(2) A climate change burden may only consist of an obligation, in the event of the burdened property being developed, for the property to meet specified mitigation and adaptation standards.

(3) For the purposes of this section, a “public body” means a body listed in Part I or II of the Schedule to the Title Conditions (Scotland) Act 2003 (Conservation Bodies) Order 2003 (SSI 2003/453).”.

Group 21: Permitted development rights – microgeneration equipment

Stewart Stevenson

71 In section 51A, page 35, line 28, leave out subsection (1) and insert—

<(1) The Scottish Ministers must exercise their functions under sections 30 and 31 of the Town and Country Planning (Scotland) Act 1997 (c.8) so as to make provision specifying the circumstances in which development of the class mentioned in subsection (2) is granted planning permission by virtue of an order under section 30 of that Act.>

Stewart Stevenson

72 In section 51A, page 35, line 31, leave out from beginning to <replacement> in line 32 and insert—

<(2) That class is the installation, alteration or replacement, within the curtilage of a dwellinghouse or building containing one or more flats,>
Stewart Stevenson
73 In section 51A, page 35, leave out lines 35 to 37

Stewart Stevenson
74 In section 51A, page 35, line 38, leave out from beginning to <Parliament> in line 39 and insert <The Scottish Ministers must comply with subsection (1)>

Stewart Stevenson
75 In section 51A, page 35, line 39, leave out <six> and insert <6>

Stewart Stevenson
76 In section 51A, page 36, line 1, leave out <making the amendment required under> and insert <complying with>

Stewart Stevenson
77 In section 51A, page 36, line 2, leave out from <with> to end of line 6 and insert—
   <( ) such persons appearing to them to represent the producers and suppliers of the equipment mentioned in paragraphs (a) and (b) of subsection (2); and
   ( ) such other persons as the Scottish Ministers consider appropriate.>

Stewart Stevenson
78 In section 51B, page 36, line 11, leave out <powers> and insert <functions>

Stewart Stevenson
79 In section 51B, page 36, line 12, leave out from <of> to end of line 13 and insert <specifying the circumstances in which development of the class mentioned in subsection (2) is granted planning permission by virtue of an order under section 30 of that Act.>

Stewart Stevenson
80 In section 51B, page 36, line 14, leave out from first <provision> to <replacement> in line 15 and insert <class is the installation, alteration or replacement, within the curtilage of a non-domestic building.>

Stewart Stevenson
81 In section 51B, page 36, line 15, leave out from <within> to end of line 17

Stewart Stevenson
82 In section 51B, page 36, line 20, leave out from <and> to end of line 26 and insert—
   <( ) such persons appearing to them to represent the producers and suppliers of the equipment mentioned in subsection (2); and
   ( ) such other persons as the Scottish Ministers consider appropriate.>

Stewart Stevenson
83 In section 51B, page 36, line 28, leave out from <meaning> to end of line 29 and insert <same meaning as in section 51A(5)>
Stewart Stevenson
84 In section 51B, page 36, line 30, leave out <meaning given> and insert <same meaning as>.

Sarah Boyack
144 In section 67, page 51, line 18, after <45C> insert <, 51A>.

Sarah Boyack
145* In section 67, page 51, line 21, at end insert—
<( ) Section 51A comes into force on the day after the Bill for this Act receives Royal Assent.>

Group 22: Promotion of water conservation and water-use efficiency

Des McNulty
136 After section 51B, insert—

<Promotion of water conservation and water-use efficiency

Duty of Scottish Water to promote water conservation and water-use efficiency
In section 56(1) of the Water Industry (Scotland) Act 2002 (asp 3), after paragraph (a) insert—

“(aa) requiring it to promote water conservation and water-use efficiency,”.>

Group 23: Energy performance of Scottish civil estate

Cathy Peattie
139 In section 51C, page 36, line 35, leave out <newly constructed>.

Cathy Peattie
140 In section 51C, page 36, line 38, at end insert—

<( ) The Scottish Ministers may, by regulations, provide that the duty under subsection (1) does not apply in respect of specified buildings or categories of buildings.>

Group 24: Waste regulations

Stewart Stevenson
85 In section 53, page 39, line 12, leave out from <one> to <Assent> in line 13 and insert <12 months after the day on which this section comes into force>.

Stewart Stevenson
87 In section 64, page 48, line 29, after <(8)> insert <and to section (Subordinate legislation: pre-laying procedure)>.
After section 64, insert—

<Subordinate legislation: pre-laying procedure>

(1) This section applies where the Scottish Ministers propose to lay before the Scottish Parliament a draft of a statutory instrument containing the first regulations under section 58 or 59 (other than a draft containing regulations mentioned in section 64(7)(d) or (e) to which section 64(5) applies).

(2) The Scottish Ministers must, before doing so, lay before the Parliament—
   (a) a copy of the proposed regulations; and
   (b) a statement setting out their reasons for proposing to make those regulations.

(3) The Scottish Ministers must, when laying such a copy, specify a period (the “representation period”) during which representations on the proposed regulations may be made to them.

(4) The representation period must be at least 90 days, of which no fewer than 30 must be days on which the Parliament is not dissolved or in recess.

(5) The Scottish Ministers must, as soon as reasonably practicable after laying a copy of the proposed regulations, publicise them in such manner as they consider appropriate.

(6) The Scottish Ministers must, before laying the proposed regulations before the Parliament, have regard to—
   (a) any representations on the proposed regulations made to them;
   (b) any resolution relating to those regulations passed by the Parliament; and
   (c) any report relating to those regulations published by any committee of the Parliament for the time being appointed by virtue of standing orders, before the expiry of the representation period.

(7) The Scottish Ministers must, when laying such proposed regulations, lay a statement setting out—
   (a) details of any representations, resolutions or reports mentioned in subsection (6);
   (b) the changes (if any) they have made to the proposed regulations in response to such representations, resolutions or reports and the reasons for those changes.

(8) In this section, “proposed regulations” means a draft of a statutory instrument to which subsection (1) applies.>
Group 25: Charges for supply of carrier bags

Des McNulty

2 Leave out section 59

Group 26: Public engagement

Brian Adam  
Supported by: Des McNulty

86 Before section 61A, insert—

<Public engagement

Public engagement

(1) The Scottish Ministers must prepare and publish a strategy (a “public engagement strategy”) setting out the steps they intend to take to—

(a) inform persons in Scotland about the targets specified by virtue of this Act;

(b) encourage them to contribute to the achievement of those targets.

(2) The public engagement strategy must, in particular, identify actions which persons in Scotland may take to contribute to the achievement of the targets referred to in subsection (1)(a).

(3) The public engagement strategy must be published no later than 31 December 2010.

(4) The Scottish Ministers—

(a) may, from time to time; and

(b) must, before the end of the period mentioned in subsection (5),

review the strategy.

(5) The period referred to in subsection (4)(b) is the period of 5 years beginning with the date on which—

(a) the strategy is first published; or

(b) the strategy was last reviewed under subsection (4).

(6) Where, following a review under subsection (4), the Scottish Ministers vary the public engagement strategy, they must, as soon as reasonably practicable after so doing, publish the strategy as so varied.

(7) A strategy published under subsection (6) must contain an assessment of the progress made towards implementing the steps set out in earlier strategies.

(8) The public engagement strategy may be published in such manner as the Scottish Ministers consider appropriate.

(9) The Scottish Ministers must lay the public engagement strategy before the Scottish Parliament as soon as reasonably practicable after it is published.>
Group 27: Scottish Executive budget – impact on greenhouse gases

Patrick Harvie

After section 62, insert—

<Scottish Executive budget: impact on greenhouse gases

(1) The Scottish Ministers must, at the same time as laying before the Scottish Parliament any document setting out draft proposals for the use of resources in any financial year, lay before the Scottish Parliament a document describing the direct and indirect impact on greenhouse gas emissions of the activities to be funded by virtue of the proposals.

(2) In this section, “use of resources” has the meaning given in section 1(3) of the Public Finance and Accountability (Scotland) Act 2000 (asp 1).>

Group 28: Judicial review

Alison McInnes

After section 62, insert—

<Judicial review

(1) In any application for judicial review relating to or arising out of the provisions of this Act, it will be enough for any party to show sufficient interest in order to satisfy the common law tests of title and interest.

(2) “Sufficient interest” is to be interpreted in accordance with the criteria laid out in Article 9 of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters signed at Aarhus on 25 June 1998 (“the Aarhus Convention”).

(3) In relation to the expenses associated with any judicial review proceedings under this Act, the court may impose a cap on, or otherwise regulate, the extent of liability for expenses between the parties; and such applications may be competently made at any stage of the proceedings.

(4) When determining an application made under subsection (3) above, the court is to have regard to the need to remove or reduce financial or other barriers to access to justice, in accordance with the principles laid out in Article 9 of the Aarhus Convention.

(5) In any application for judicial review under this Act, the court may competently consider both the substantive and the procedural legality of the decision, act or omission under review.>