Climate Change (Scotland) Bill

2nd Groupings of Amendments for Stage 2

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;
- a list of any amendments already debated;
- the text of amendments to be debated on the second day of Stage 2 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.**

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**Progress towards meeting interim and final targets: advice and reports etc.**

Des McNulty

187 In section 19, page 9, line 3, after <Ministers’> insert <duty under section 2 and>

Des McNulty

188 In section 19, page 9, line 10, at end insert—

<( ) for the conferral of functions on the advisory body relating to advice on the effectiveness of the Scottish Ministers’ proposals and policies for achieving the interim and 2050 targets;>

Des McNulty

189 In section 20, page 9, line 28, at end insert—

<( ) for the conferral of functions on the Committee relating to advice on the effectiveness of the Scottish Ministers’ proposals and policies for achieving the interim and 2050 targets;>

Des McNulty

192 In section 22, page 10, line 13, leave out <appropriate> and insert <consistent with a reduction over time of the net Scottish emissions account which would allow the interim target and the 2050 target to be met>

Des McNulty

197 After section 31, insert—

<Report on progress towards meeting the interim target>

(1) The Scottish Ministers must, no later than 31 December 2015, lay before the Scottish Parliament a report on progress towards meeting the interim target.

(2) The report must, in particular, state the progress that has been made in reducing emissions and indicate whether this progress is consistent with a reduction over time of the net Scottish emissions account which would allow the interim target and the 2050 target to be met.>

Advice etc. to members of the Scottish Parliament

Patrick Harvie

105 In section 19, page 9, line 4, at end insert—

<( ) the function of providing advice, analysis, information and other assistance on climate change to any member of the Scottish Parliament;>
Relationship between advisory body and Scottish Parliament

Cathy Peattie
131 In section 20, page 9, line 36, at end insert—
<( ) Before making an order under subsection (1), the Scottish Ministers must consult the Scottish Parliament.>

Cathy Peattie
132 In schedule 1, page 34, line 17, at end insert—
<( ) Before appointing members of the Committee, the Scottish Ministers must consult the Scottish Parliament.>

Cathy Peattie
134 In section 23, page 10, line 33, leave out <prepare> and insert <lay before the Scottish Parliament>

Cathy Peattie
135 In section 23, page 11, line 16, at end insert—
<( ) Before specifying a year under subsection (2) or appointing a date under subsection (4)(b), the Scottish Ministers must consult the Scottish Parliament.>

Cathy Peattie
237* In section 25, page 11, line 26, after <Ministers> insert <or any committee of the Scottish Parliament>

Cathy Peattie
136 In section 27, page 12, line 3, at end insert—
<( ) Before giving any directions under subsection (1), the Scottish Ministers must consult the Scottish Parliament.>

Minor amendments

Stewart Stevenson
15 In schedule 1, page 36, line 19, after <payment> insert <of>

Stewart Stevenson
16 In schedule 1, page 36, line 20, after <provision> insert <of>

Stewart Stevenson
17 In schedule 1, page 36, line 21, after <payment> insert <of>

Stewart Stevenson
18 In schedule 1, page 36, line 22, leave out first <of>
Stewart Stevenson

139 In section 42, page 17, line 37, leave out <Act> and insert <Part>

Stewart Stevenson

140 In section 42, page 18, line 1, leave out <Act> and insert <Part>

Stewart Stevenson

145 In section 45, page 19, line 6, leave out <under this section>

Stewart Stevenson

146 In section 45, page 19, line 8, leave out <laid under subsection (2)>

Stewart Stevenson

147 In section 45, page 19, line 9, leave out <under this section>

Stewart Stevenson

148 In section 45, page 19, line 10, leave out <the Scottish Ministers> and insert <they>

Stewart Stevenson

32 In section 65, page 32, line 8, leave out <section 10(2)> and insert <subsection (2) of section 10>

Stewart Stevenson

33 In section 65, page 32, line 9, leave out <subsection (2)(a)> and insert <paragraph (a)>

Stewart Stevenson

34 In section 65, page 32, line 9, at end insert <of that subsection>

Programmes for adaptation

Rob Gibson

190 In section 21, page 9, line 38, after <27> insert <and (Reports on programmes for adaptation)>

Rob Gibson

191 In section 21, page 10, line 6, at end insert—< ( ) bringing section (Reports on programmes for adaptation) into effect comes into force, subsection (4) of section (Progress towards implementation of programmes for adaptation) ceases to have effect.>

Stewart Stevenson

141 In section 45, page 18, leave out line 32

Stewart Stevenson

142 In section 45, page 18, line 33, leave out <in particular,>
Stewart Stevenson

143 In section 45, page 19, line 1, leave out <the Scottish Ministers’> and insert <their>

Des McNulty

214 In section 45, page 19, line 3, at end insert—
   
   <( ) the arrangements for involving employers, trade unions and other stakeholders in meeting those objectives;
   
   ( ) the mechanisms for ensuring public engagement in meeting those objectives;>

Stewart Stevenson

144 In section 45, page 19, line 4, at end insert <; and
   
   ( ) otherwise addressing the risks identified in the report under section 56 of the 2008 Act>

Rob Gibson

215 In section 45, page 19, line 10, after <receive> insert <the copy of>

Rob Gibson

216 After section 45, insert—

<Reports on progress towards implementation of programmes for adaptation>

(1) This section applies where the Scottish Ministers lay a programme under section 45(2) before the Scottish Parliament.

(2) The Scottish Ministers must lay before the Scottish Parliament reports setting out their assessment of the progress made towards implementing the objectives, proposals and policies set out in the programme.

(3) The first report under this section must be laid before the Scottish Parliament no later than the expiry of the period of 12 months beginning with the day on which the programme is laid.

(4) The second and subsequent reports under this section must be laid before the Scottish Parliament no later than the expiry of each subsequent period of 12 months.>

Rob Gibson

217 After section 45, insert—

<Progress towards implementation of programmes for adaptation>

(1) This section applies where—

(a) the Scottish Ministers lay a programme under section 45(2) before the Scottish Parliament;

(b) the Secretary of State lays a second or subsequent report under section 56 of the 2008 Act before Parliament.

(2) Where subsection (1)(a) applies, the Scottish Ministers must, before the expiry of the period of 2 years beginning with the day on which the programme is laid, request the relevant body to prepare a report setting out its assessment of the progress made towards implementing the objectives, proposals and policies set out in that programme.
(3) Where subsection (1)(b) applies, the Scottish Ministers must, as soon as reasonably practicable after they receive the copy of the report laid, request the relevant body to prepare a further report setting out its assessment of the progress made towards implementing the objectives, proposals and policies set out in the most recent programme laid by the Scottish Ministers under section 45(2).

(4) The Scottish Ministers must, as soon as reasonably practicable after they receive the relevant body’s report under subsection (2) or, as the case may be, further report under subsection (3), lay it before the Scottish Parliament.

Rob Gibson

218 After section 45, insert—

<Reports on programmes for adaptation

(1) This section applies where—

(a) the Scottish Ministers lay a programme under section 45(2) before the Scottish Parliament;

(b) the Secretary of State lays a second or subsequent report under section 56 of the 2008 Act before Parliament.

(2) Where subsection (1)(a) applies, the advisory body must, before the expiry of the period of 2 years beginning with the day on which the programme is laid, prepare a report setting out its assessment of the progress made towards implementing the objectives, proposals and policies set out in that programme.

(3) Where subsection (1)(b) applies, the advisory body must, as soon as reasonably practicable after the report is laid, prepare a further report setting out its assessment of the progress made towards implementing the objectives, proposals and policies set out in the most recent programme laid by the Scottish Ministers under section 45(2).

(4) The advisory body must, as soon as reasonably practicable after preparing a report under subsection (2) or, as the case may be, a further report under subsection (3), lay it before the Scottish Parliament.

Rob Gibson

233 In section 67, page 33, line 13, after <27> insert <, (Reports on programmes for adaptation)>

Rob Gibson

235 In section 67, page 33, line 15, after <27> insert <and (Reports on programmes for adaptation)>

Contribution of different sectors: advice and reports

Des McNulty

193 In section 22, page 10, line 24, at end insert—

<( ) the respective contributions towards meeting the annual targets that should be made by—

(i) energy efficiency;
(ii) energy generation;
(iii) land use;
(iv) transport;

Des McNulty

194 In section 22, page 10, leave out lines 25 to 27

Liam McArthur

195 In section 22, page 10, line 27, at end insert—

<(d) the proportion of the net Scottish emissions budget for the period 2010-2050 available for electricity generation and in particular as to—

(i) an appropriate total lifetime greenhouse gas budget per megawatt hour of generating capacity;

(ii) appropriate initial levels of greenhouse gas emissions per megawatt hour.>

Liam McArthur

196 In section 22, page 10, line 31, at end insert—

<( ) In subsection (3)(d), “net Scottish emissions budget” means the aggregate amount of net Scottish emissions for the period 2010-2050 recommended by the relevant body which is consistent with achieving the targets set by or under Part 1.>

Liam McArthur

137 In section 29, page 13, line 4, at end insert—

<( ) state the average greenhouse gas emissions per megawatt hour of electricity generated in Scotland in the target year;

( ) state the average greenhouse gas emissions per megawatt hour, and the estimated lifetime cumulative emissions, of any new electricity generation capacity greater than 50 megawatts approved in Scotland in the target year.>

Liam McArthur

138 In section 29, page 13, line 4, at end insert—

<( ) in relation to any electricity generation permission granted in respect of a plant with average per megawatt greenhouse gas emissions which exceed—

(i) those achievable by a modern combined cycle gas turbine; or

(ii) any level specified in guidance issued in relation to consents granted under section 36 of the Electricity Act 1989 (c.29),

give reasons as to why such permission was granted and how such permission will be compatible over the plant’s lifetime with achievement of the targets set out in this Act.>

Alison McInnes

119 In section 30, page 13, line 23, at end insert—

<( ) In particular, the report must define and quantify the contribution that the following areas within the Scottish economy are expected to make to the meeting of targets under the Act—
(a) energy efficiency;
(b) energy generation;
(c) land use;
(d) transport.

**Power to give directions to advisory body**

Patrick Harvie

113 In section 27, page 12, line 2, leave out subsection (1)

Patrick Harvie

114 In section 27, page 12, line 6, leave out subsections (3) and (4)

**Reports on targets etc.: content**

Patrick Harvie

116 In section 29, page 12, line 23, at end insert—

<(ba) state the cumulative amount of net Scottish emissions in the period from the baseline year to the target year;>

Des McNulty

67 In section 29, page 12, line 31, at end insert—

<(  ) state the proportion of the reduction in the net Scottish emissions account which is accounted for by reductions in net Scottish emissions;>

Patrick Harvie

117 In section 29, page 12, line 31, at end insert—

<(  ) state the cumulative amount of net Scottish emissions reported under subsection (1)(ba);>

Cathy Peattie

118 In section 29, page 13, line 4, at end insert—

<(  ) The report for each year in the period 2011-2050 must—

(a) state the amount of the net Scottish emissions account for each preceding target year;
(b) state the cumulative amount of the net Scottish emissions account for the target year and all preceding target years.>

Stewart Stevenson

23 In section 29, page 13, line 9, at end insert—
If the amount of the net Scottish emissions account for an earlier target year requires to be adjusted, the report must—

(a) explain why the adjustment is required;
(b) specify the adjustment required; and
(c) state the adjusted amount.

If the amount of the net Scottish emissions account for an earlier target year requires to be adjusted, the report must—

(a) explain why the adjustment is required;
(b) specify the adjustment required; and
(c) state the adjusted amount.

Cathy Peattie

In section 32, page 14, line 6, at end insert—

(state the cumulative amount of the net Scottish emissions account for the period 2010-2020;)

Cathy Peattie

In section 33, page 14, line 27, at end insert—

(state the cumulative amount of the net Scottish emissions account for the period 2010-2050;)

Reports on certain kinds of emissions

Shirley-Anne Somerville

After section 31, insert—

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

(1) The Scottish Ministers must lay before the Scottish Parliament a report in respect of each year in the period 2010-2050 containing the following information.

(2) The report must, in so far as reasonably practicable, set out the 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 during that year.

(3) The report may also contain such other information as the Scottish Ministers consider appropriate.>

Patrick Harvie

After section 35, insert—

<Reporting on emissions associated with imports: consultation

The Scottish Ministers must, no later than 1 June 2010, consult such persons as they consider appropriate about possible methodologies for recording and reporting on emissions generated outwith Scotland which are associated with the importation of goods and services into Scotland.>

Reports: provision of information to the Scottish Parliament

Des McNulty

In section 34, page 15, line 3, after <must> insert—
THIS IS NOT THE MARSHALLED LIST

<(  ) immediately send a copy of the report to the persons who convene and chair such committees of the Scottish Parliament as are for the time being appointed by virtue of standing orders; and

(  )>

Patrick Harvie

122 In section 34, page 15, line 5, at end insert—

<(  ) But a statement in relation to a report mentioned in subsection (2)(a) or (b) must not be made before the period for Parliamentary consideration has expired.

(  ) In this section, the “period for Parliamentary consideration” means the period of 60 days beginning on the day on which the draft is so laid; and in reckoning that period no account is to be taken of any time during which the Scottish Parliament—

(a) is dissolved, or

(b) is in recess for more than 4 days.

(  ) Before making a statement under subsection (1) in relation to a report mentioned in subsection (2)(a) or (b), the Scottish Ministers must have regard to any resolution or report of, or of any committee of, the Scottish Parliament made, during the period for Parliamentary consideration, as regards the report.>

Alison McInnes

122A As an amendment to amendment 122, line 2, leave out from beginning to <not> and insert <; but no such statement may>.

Des McNulty

72 In section 34, page 15, line 15, leave out from <meet> to end of line 16 and insert <attend, if invited, the proceedings of any such committees of the Scottish Parliament as are for the time being appointed by virtue of standing orders, for the purposes of giving evidence on the report.>

Des McNulty

73 In section 34, page 15, line 16, at end insert—

<(  ) The Scottish Ministers must have regard to any resolution or report of, or of any committee of, the Scottish Parliament made following the laying of a report mentioned in subsection (2) as regards the contents of the report and any future reports.>

Alison McInnes

123 In section 34, page 15, line 16, at end insert—

<(4) The Scottish Ministers must not implement the proposals and policies set out in a report mentioned in subsection (2)(c) unless the Scottish Parliament has, by resolution, approved the report.

(5) Where the Scottish Parliament does not approve a report mentioned in subsection (2)(c), the Scottish Ministers must lay a further report under section 31(2), containing amended proposals and policies, before the Parliament; and subsection (4) and this subsection apply to such a further report as they apply to the report originally laid before the Parliament.>
(6) Before submitting a further report by virtue of subsection (5), the Scottish Ministers must have regard to any resolution or report of, or any committee of, the Scottish Parliament in relation to the report previously laid before the Parliament.

Public bodies: climate change duties

Cathy Peattie

198 In section 36, page 15, line 27, at end insert—

(A1) A public body must, in exercising its functions, act—

(a) in the way best calculated to contribute to the delivery of the targets set in or under Part 1 of this Act;

(b) in the way best calculated to help deliver any programme laid before the Scottish Parliament under section 45;

(c) in a way that it considers is most sustainable.

(A2) In this Part, a “public body” means a Scottish public authority within the meaning of section 3(1)(a) of the Freedom of Information (Scotland) Act 2002 (asp 13).

Cathy Peattie

199 In section 36, page 15, line 28, after <make> insert <further>

Cathy Peattie

200 In section 36, page 15, line 30, leave out <(“climate change duties”).> and insert—

(A1) The duties imposed by subsection (A1) and any duty imposed by virtue of an order under subsection (1) are referred to in this Act as “climate change duties”.

Cathy Peattie

201 In section 36, page 15, line 31, after <duties> insert <under subsection (A1) or>

Patrick Harvie

202 In section 36, page 16, line 3, at end insert—

(3A) A draft of a statutory instrument containing the first order under subsection (1) must be laid before the Scottish Parliament within one year of the date that the Bill for this Act was passed by the Scottish Parliament.

(3B) If a draft of the first order is not laid within the period mentioned in subsection (3A), the Scottish Ministers must, as soon as reasonably practicable after the expiry of that period, and in so far as reasonably practicable, make a statement to the Scottish Parliament explaining why the draft was not so laid.

Cathy Peattie

203 In section 37, page 16, line 14, leave out subsection (1) and insert—

(1) The Scottish Ministers must give guidance to relevant public bodies in relation to climate change duties and those bodies must have regard to such guidance.
In section 62, page 30, line 23, at end insert—

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

In section 65, page 32, line 13, leave out from <means> to end of line 14 and insert <has the meaning given by section 36(1A);>

In section 65, page 32, line 29, after <body”> insert <(except in Part 4 and section 62)>

In section 67, page 33, line 14, after <day> insert <(in the case of sections 36 to 44, being not later than 18 months after this Act receives Royal Assent)>

In the long title, page 1, line 3, leave out from <confer> to first <to> in line 4 and insert <impose, and confer power on Ministers to further>

Role of relevant body etc.

In section 37, page 16, line 16, after <must> insert—

<(  ) have regard to any advice from the relevant body; and
(  )>

In section 40, page 17, line 13, at end insert—

<(  ) In determining whether to carry out an investigation under subsection (1), the monitoring body must have regard to any advice received from the relevant body.>

In section 42, page 18, line 5, at end insert <and the relevant body>

In section 42, page 18, line 5, at end insert—

<(  ) The Scottish Ministers must lay the report before the Scottish Parliament.>
Public bodies: reporting on climate change duties

Cathy Peattie
205 In section 38, page 16, line 26, leave out <may> and insert <must>

Cathy Peattie
206 In section 38, page 16, line 27, after <prepare> insert <annual>

Cathy Peattie
207 In section 38, page 16, line 28, at end insert—

<( ) requiring any relevant public body found, following an investigation under section 40, to be failing to comply with its climate change duties, to prepare a report on the actions it is taking to secure future compliance with those duties;>

John Park
Supported by: Des McNulty, Sarah Boyack
208 In section 38, page 16, line 29, at beginning insert <subject to subsection (1A),>

John Park
Supported by: Des McNulty, Sarah Boyack
209 In section 38, page 16, line 31, at end insert—

<(1A) Reports required by virtue of subsection (1)(a) must contain information about the ways in which relevant public bodies have used procurement policies and wider workplace policies to contribute to compliance with their climate change duties.>

Environmental assessment

Alison McInnes
213 After section 44 , insert—

<CHAPTER
ENVIRONMENTAL ASSESSMENT

Environmental assessment

(1) This section applies where the Scottish Ministers intend to adopt a plan or programme in respect of which an environmental report under section 14(1) of the Environmental Assessment (Scotland) Act 2005 (asp 15) identifies significant greenhouse gas emissions.

(2) Before adopting the plan or programme, the Scottish Ministers must—

(a) request advice from the relevant body (within the meaning of section 5(5)) as to—

(i) whether adoption of the plan or programme is likely to be compatible with achievement of the targets set by, or by virtue of, Part 1;

(ii) if not, what steps can be taken to ensure such compatibility; and

(b) consider and take account of that advice.
(3) Any advice requested under subsection (2)(a) must, after it has been sent to the Scottish Ministers, be published in such manner as the relevant body consider appropriate.

(4) After adopting a plan or programme of the kind mentioned in subsection (1) in respect of which advice has been received under paragraph (a)(ii) of subsection (2), the Scottish Ministers must—
   (a) lay the plan or programme before the Scottish Parliament; and
   (b) as soon as practicable after doing so, and in so far as reasonably practicable, make a statement to the Scottish Parliament explaining what steps of the kind mentioned in that paragraph will be taken.

Land use strategy

Peter Peacock
Supported by: Des McNulty, Liam McArthur

219 After section 45, insert—

Duty to produce a land use strategy

(1) The Scottish Ministers must, no later than 31 March 2011, lay a land use strategy before the Scottish Parliament.

(2) The strategy must, in particular, set out—
   (a) the Scottish Ministers’ objectives in relation to sustainable land use;
   (b) their proposals and policies for meeting those objectives; and
   (c) the timescales over which those proposals and policies are expected to take effect.

(3) The objectives, proposals and policies referred to in subsection (2) must contribute to—
   (a) achievement of the Scottish Ministers’ duties under section 1, 2 or 3(1)(b);
   (b) achievement of the Scottish Ministers’ objectives in relation to adaptation to climate change, including those set out in any programme produced by virtue of section 45(2); and
   (c) sustainable development.

(4) Before laying the strategy before the Scottish Parliament, the Scottish Ministers must publish a draft strategy and consult with such bodies as they consider appropriate and also with the general public.

(5) The strategy must be accompanied by a report setting out—
   (a) the consultation process undertaken in order to comply with subsection (4); and
   (b) the ways in which views expressed during that process have been taken account of in finalising the strategy (or stating that no account has been taken of such views).

(6) The Scottish Ministers must, no later than—
   (a) five years after laying a strategy before the Scottish Parliament under subsection (1); and
   (b) the end of every subsequent period of five years,
lay a revised strategy before the Scottish Parliament; and subsections (2) to (5) apply to a revised strategy as they apply to a strategy laid under subsection (1).>

**Power to vary times for making muirburn**

**Stewart Stevenson**

149 In section 46, page 19, line 17, leave out <specify such> and insert <modify section 23 so as to substitute for any of the dates for the time being mentioned in subsection (1), (2) or, as the case may be, (3) of that section such other> 

**Stewart Stevenson**

150 In section 46, page 19, leave out lines 20 to 22

**Stewart Stevenson**

151 In section 46, page 19, line 24, at end insert—

<( ) An order under subsection (1) may not modify any of the dates for the time being mentioned in section 23 if the modification would result in a period during which it is lawful to make muirburn in any year being shorter than the corresponding period which applied immediately before the coming into force of section 46 of the Climate Change (Scotland) Act 2009 (asp 00).>

**Stewart Stevenson**

152 In section 46, page 19, line 26, leave out from beginning to <a> in line 27 and insert <No statutory instrument containing an order under subsection (1) may be made unless a draft of the instrument has been laid before, and approved by>

**Power to modify functions of Forestry Commissioners**

**Jim Hume**

220 In section 47, page 19, line 36, at end insert—

<( ) An order under subsection (1) must have the effect of contributing to sustainable development.>

**Jim Hume**

221 In section 47, page 20, line 6, at end insert—

<( ) Any body corporate formed, trust established or person appointed by the Forestry Commissioners by virtue of an order under subsection (1) is a public body or office holder for the purposes of section 1 of the Nature Conservation (Scotland) Act 2004 (asp 6).>

**Jim Hume**

153 In section 47, page 20, line 7, leave out subsection (4)