Climate Change (Scotland) Bill

2nd Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 20 Schedule 1
Sections 21 to 66 Schedule 2
Section 67 Long Title

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

Section 19

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

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;>

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;>

Section 20

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;>

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.>
Schedule 1

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.>

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>

Section 21

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.>

Section 22

Patrick Harvie
106 In section 22, page 10, line 8, leave out subsection (1) and insert—
<(  ) The Scottish Ministers must, before laying an order under section 4(1), request and publish advice from the advisory body on the target-setting criteria set out under section 4(4).>

Patrick Harvie
107 In section 22, page 10, line 12, leave out <(1)(a)> and insert <(1)>
Patrick Harvie 108 In section 22, page 10, line 13, leave out <whether the> and insert <what>

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>

Patrick Harvie 109 In section 22, page 10, line 14, at end insert—
<(  ) the objective of not exceeding the fair and safe Scottish emissions budget.>

Patrick Harvie 110 In section 22, page 10, line 15, leave out <(1)(a)> and insert <(1)>

Des McNulty 60 In section 22, page 10, leave out lines 17 to 20

Stewart Stevenson 19 In section 22, page 10, line 19, after <with> insert <section 12(1A) and>

Des McNulty 61 In section 22, page 10, line 21, after <targets> insert <and the domestic effort target>

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.>

Section 23

Cathy Peattie

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

Alison McInnes

111 In section 23, page 11, line 7, leave out from beginning to <year”),> in line 8 and insert <The first report under this section prepared after data relating to a year for which an annual target has been set (a “target year”) becomes available>

Stewart Stevenson

20 In section 23, page 11, line 7, leave out from <the> to <on> in line 8 and insert <a relevant year must also set out the advisory body’s views on the matters mentioned in subsection (3C).>

(3A) In subsection (3), the “relevant year” means such year as the Scottish Ministers may, by order, designate in accordance with subsection (3B).

(3B) The year which may be designated under subsection (3A) is the first year following a year for which an annual target has been set (a “target year”) or the second year following a target year.

(3C) The matters referred to in subsection (3) are>

Des McNulty

62 In section 23, page 11, line 9, at end insert—

< ( ) whether the domestic effort target was met in that target year;>

Des McNulty

63 In section 23, page 11, line 10, leave out <way in which that target was or was> and insert <ways in which those targets were or were>

Alison McInnes

112 In section 23, page 11, line 13, leave out from <no> to end of line 16 and insert <as soon as reasonably practicable after the data relating to the target year becomes available and in any case no later than 31 January in the third year following the target year.>
Stewart Stevenson
21 In section 23, page 11, line 16, leave out <later>

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.>

Section 24

Alison McInnes
64 In section 24, page 11, leave out lines 22 to 24 and insert <2 months after the report was so laid.>

Stewart Stevenson
22 In section 24, page 11, line 24, leave out <later> and insert <other>

Section 25

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

Section 27

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

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.>

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

Section 28

Des McNulty
65 In section 28, page 12, line 16, at end insert—

<(  ) The report must also state whether the domestic effort target has been met in the target year to which the report relates.>
If the domestic effort target has not been met, the report must explain why.

Alison McInnes

In section 28, page 12, line 18, leave out <31 October in the second> and insert <the first 31 October after the data relating to the target year becomes available and in any case no later than 31 January in the third>

Section 29

Patrick Harvie

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

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

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

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

Liam McArthur

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

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.>
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.>

Section 30

Des McNulty
68 In section 30, page 13, line 20, leave out <and the 2050 target> and insert <, the 2050 target and,
   in each target year, the domestic effort target>

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.>

Section 31

Des McNulty
69 In section 31, page 13, line 32, at end insert <or that the domestic effort target has not been met in
   the target year to which the report relates>
After section 31

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.>

Des McNulty

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.>

Section 32

Stewart Stevenson

In section 32, page 13, line 39, leave out <2030> and insert <2020>

Stewart Stevenson

In section 32, page 14, line 4, leave out <2030> and insert <2020>

Stewart Stevenson

In section 32, page 14, line 6, leave out <2030> and insert <2020>

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;>

Stewart Stevenson

In section 32, page 14, line 9, leave out <2030> and insert <2020>
Stewart Stevenson

28 In section 32, page 14, line 10, leave out <2030> and insert <2020>

Stewart Stevenson

29 In section 32, page 14, line 11, leave out <2030> and insert <2020>

Stewart Stevenson

30 In section 32, page 14, line 13, leave out <2030> and insert <2020>

Stewart Stevenson

31 In section 32, page 14, line 18, leave out <2032> and insert <2022>

Section 33

Cathy Peattie

121 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;>

Section 34

Des McNulty

71 In section 34, page 15, line 3, after <must> insert—

<(  ) 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.>

After section 35

Patrick Harvie

124 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.>

Section 36

Cathy Peattie

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

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

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

Cathy Peattie

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

(1A) 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

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

Patrick Harvie

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.

Section 37

Cathy Peattie

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.

Cathy Peattie

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

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

( )
Section 38

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.>

Section 40

Cathy Peattie

210 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.>

Section 42

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>
Cathy Peattie

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

Cathy Peattie

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

<(  ) The Scottish Ministers must lay the report before the Scottish Parliament.>

After section 44

Alison McInnes

213 After section 44, insert—

<Chapter

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.>

Section 45

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>

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>

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

After section 45

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.

Peter Peacock
Supported by: Des McNulty, Liam McArthur

219 After section 45, insert—

<Land use strategy

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).>

Section 46

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>

Section 47

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)

Section 48

Iain Smith (on behalf of the Economy, Energy and Tourism Committee)

222 In section 48, page 20, line 16, leave out from second <the> to end of line 19 and insert—

<( ) promoting energy efficiency; and

( ) improving the energy efficiency of living accommodation, in Scotland.>
Iain Smith (on behalf of the Economy, Energy and Tourism Committee)

223 In section 48, page 20, line 19, at end insert—

< ( ) The plan must set annual energy efficiency targets and describe how those targets are to be reported on.>

Stewart Stevenson

154 In section 48, page 21, line 1, after <technologies> insert <(other than those used for the production of heat)>

After section 48

Stewart Stevenson

155 After section 48, insert—

<Promotion of renewable heat

Duty of Scottish Ministers to promote renewable heat

(1) The Scottish Ministers must prepare and publish a plan for the promotion of the use of heat produced from renewable sources.

(2) The plan prepared under subsection (1) must be published no later than 12 months after the day on which this section comes into force.

(3) The Scottish Ministers—

(a) may, from time to time; and

(b) must, before the end of the period mentioned in subsection (4), review the plan prepared and published under this section.

(4) The period referred to in subsection (3)(b) is the period of 2 years beginning with the date on which—

(a) the plan is first published; or

(b) the plan was last reviewed under subsection (3).

(5) Where, following a review under subsection (3), the Scottish Ministers vary the plan, they must, as soon as reasonably practicable after so doing, publish the plan as so varied.

(6) In this section, “renewable sources” has the same meaning as in section 48(8).>

Section 49

Stewart Stevenson

156 In section 49, page 21, line 16, after <(6)> insert <or section (Duty of Scottish Ministers to promote renewable heat)(1) or (5)>

Section 50

Liam McArthur

224 In section 50, page 21, line 26, leave out <may> and insert <must>
Stewart Stevenson
157 In section 50, page 21, line 26, leave out <make provision relating to> and insert—
   <( ) provide for>

Liam McArthur
225 In section 50, page 21, line 26, after <assessment> insert <and cost-effective improvement>

Stewart Stevenson
158 In section 50, page 21, line 30, at end insert—
   <( ) require owners of such buildings to take steps, identified by such assessments, to—
      (i) improve the energy performance of such buildings;
      (ii) reduce such emissions.>

Stewart Stevenson
159 In section 50, page 22, line 2, after <activities> insert <carried out in buildings>

Stewart Stevenson
160 In section 50, page 22, line 5, at end insert—
   <(ha) the form of any recommendations, contained in such certificates, as to the improvement of the energy performance of buildings and the reduction of emissions produced by or otherwise associated with buildings or activities carried out in buildings;
   (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;>

Liam McArthur
160A As an amendment to amendment 160, line 2, after <to> insert <cost-effective measures for>

Liam McArthur
226 In section 50, page 22, line 16, at end insert—
   <( ) The Scottish Ministers must, within 12 months of this Act receiving Royal Assent, 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).>
After section 50

Iain Smith (on behalf of the Economy, Energy and Tourism Committee)

227 After section 50, insert—

<Energy performance of living accommodation

Living accommodation: assessment of energy performance and emissions

(1) The Scottish Ministers may, by regulations, make provision relating to the assessment of—

(a) the energy performance of living accommodation;

(b) the emission of greenhouse gases produced by living accommodation.

(2) The regulations may in particular include provision about—

(a) the circumstances in which the regulations apply;

(b) the living accommodation to which the regulations apply;

(c) the persons who may be required to have assessments carried out;

(d) the periods within which such assessments must be carried out;

(e) the procedure and methodology for assessing the energy performance of living accommodation;

(f) the procedure and methodology for assessing the greenhouse gas emissions produced by the living accommodation;

(g) the persons who may carry out such assessments;

(h) the issuing of certificates, following such assessments, including the form, manner and content of such certificates;

(i) subject to subsection (3), the enforcement authority in relation to the regulations;

(j) subject to subsection (4), the functions of that authority;

(k) the keeping of information and its production to the enforcement authority;

(l) the enforcement of the duties imposed by the regulations;

(m) offences in relation to failures to comply with requirements of the regulations.

(3) The enforcement authority provided for in the regulations is to be such person or body as the Scottish Ministers consider appropriate.

(4) The functions of the enforcement authority may include power to levy charges to recover the reasonable costs incurred by it in exercising its functions under the regulations.>

Section 51

Stewart Stevenson

161 Leave out section 51
Section 58

Stewart Stevenson

162 In section 58, page 28, line 3, after <return> insert—
   <( ) such articles;>

Stewart Stevenson

163 In section 58, page 28, line 3, after <articles> insert <("returnable packaging"); or
   <( ) both such articles and such packaging.>

Stewart Stevenson

164 In section 58, page 28, line 6, at end insert—
   <( ) accept the return to them of—
      (i) such articles;
      (ii) returnable packaging; or
      (iii) both such articles and such packaging;>

Stewart Stevenson

165 In section 58, page 28, line 7, leave out from <packaging> to end of line 8 and insert <to them—
   <(i) such articles;
   (ii) returnable packaging; or
   (iii) both such articles and such packaging;
   ( ) return such articles to the producers of them;>

Stewart Stevenson

166 In section 58, page 28, line 9, leave out <such> and insert <returnable>

Stewart Stevenson

167 In section 58, page 28, line 12, at end insert—
   <( ) accept the return to them of—
      (i) such articles;
      (ii) returnable packaging; or
      (iii) both such articles and such packaging;>

Stewart Stevenson

168 In section 58, page 28, line 13, leave out <packaging to them> and insert <to them—
   <(i) such articles;
   (ii) returnable packaging; or
(iii) both such articles and such packaging

Stewart Stevenson

169 In section 58, page 28, leave out line 14 and insert—

<(  ) recycle, or have recycled—
  (i) such articles;
  (ii) returnable packaging; or
  (iii) both such articles and such packaging.>

Stewart Stevenson

170 In section 58, page 28, line 15, leave out from <in> to <producers> in line 16 and insert <a “scheme administrator”>

Stewart Stevenson

171 In section 58, page 28, leave out line 18 and insert—

<(  ) accept the return of—
  (i) such articles;
  (ii) returnable packaging; or
  (iii) both such articles and such packaging.>

Stewart Stevenson

172 In section 58, page 28, line 19, leave out <such packaging> and insert—

<(i) such articles;
  (ii) returnable packaging; or
  (iii) both such articles and such packaging.>

Stewart Stevenson

173 In section 58, page 28, line 19, at end insert—

<(  ) return such articles to the producers of them;>

Stewart Stevenson

174 In section 58, page 28, line 20, leave out <such> and insert <returnable>

Stewart Stevenson

175 In section 58, page 28, leave out line 23 and insert—

<(  ) recycle, or have recycled—
  (i) such articles;
  (ii) returnable packaging; or
  (iii) both such articles and such packaging.>
Stewart Stevenson

176 In section 58, page 28, line 31, at end insert—

<(  ) the inclusion, in the sale price of articles, of a non-returnable element to cover the reasonable costs incurred by retailers, producers or a scheme administrator in administering such schemes;

(  ) the articles the return of which entitles persons to payment of sums equal to deposits;

(  ) the methods by which such articles are to be identified;>

Stewart Stevenson

177 In section 58, page 28, line 32, leave out from <associated> to <deposits> in line 33 and insert <which is returnable packaging for the purposes of such schemes>

Stewart Stevenson

178 In section 58, page 28, line 34, leave out <such> and insert <returnable>

Stewart Stevenson

179 In section 58, page 28, line 36, at end insert—

<(  ) the places to which articles can be returned;>

Stewart Stevenson

180 In section 58, page 28, line 37, after <which> insert <returnable>

Stewart Stevenson

181 In section 58, page 28, line 39, at end insert—

<(  ) the scheme administrator;>

Alex Johnstone

185 Leave out section 58

After section 58

Stewart Stevenson

182 After section 58, insert—

<Deposit and return schemes: designation of scheme administrator

(1) The Scottish Ministers may, by order, designate—

(a) a body established under section (Power to establish scheme administrator)(1); or

(b) such other person or body as they consider appropriate (an “existing body”),

as a scheme administrator of a deposit and return scheme established by virtue of section 58.
(2) An order under subsection (1)(b) may, in so far as the Scottish Ministers consider it necessary or expedient to do so, modify the functions of an existing body by—
   (a) conferring functions on;
   (b) removing functions from; or
   (c) otherwise varying the functions of,
   the body.

(3) That order may in particular include provision about—
   (a) borrowing by the existing body (with the approval of the Scottish Ministers);
   (b) the charging by the body, in respect of the exercise of its functions in relation to a deposit and return scheme, of such reasonable amounts as the Scottish Ministers consider appropriate.

(4) In exercising functions in relation to a deposit and return scheme, a scheme administrator must comply with any written directions of a general or specific nature as the Scottish Ministers may from time to time give to it in relation to those functions.

Stewart Stevenson

183 After section 58, insert—

<Power to establish scheme administrator

(1) The Scottish Ministers may, by order, establish a body to be a scheme administrator of a deposit and return scheme established by virtue of section 58(1).

(2) A body established under subsection (1) is to be a body corporate.

(3) The body may do anything which appears to it—
   (a) to be necessary or expedient for the purpose of, or in connection with, the exercise of its functions in relation to a deposit and return scheme;
   (b) to be conducive to the exercise of those functions.

(4) In particular, the body may—
   (a) enter into contracts;
   (b) with the agreement of the Scottish Ministers, borrow money;
   (c) charge, in respect of the exercise of its functions in relation to a deposit and return scheme, such reasonable amounts as the Scottish Ministers consider appropriate.

(5) An order under subsection (1) may in particular include provision about—
   (a) the status and constitution of the body;
   (b) the status of the members and any employees of the body;
   (c) the remuneration, allowances and pensions of such members and such employees;
   (d) the conferral of functions on the body;
   (e) the keeping by the body of accounts and accounting records.

Stewart Stevenson

184 After section 58, insert—
<Finance of scheme administrator>

(1) The Scottish Ministers may, for the purpose of or in connection with the exercise by a scheme administrator of functions in relation to a deposit and return scheme—

(a) pay grants;
(b) make loans,

to the administrator of such amounts as Ministers may determine.

(2) Any such grant or loan may be paid or, as the case may be, made, on such terms and subject to such conditions (including, in the case of a loan, conditions as to repayment) as the Scottish Ministers consider appropriate.

(3) The Scottish Ministers may, from time to time after any grant or loan is paid or, as the case may be, made, vary the terms and conditions on which it was paid or made.

(4) The Scottish Ministers may guarantee, in such manner and on such conditions as they consider appropriate, the discharge of any financial obligation in connection with any sums borrowed by a scheme administrator for the purpose of, or in connection with, the exercise of its functions in relation to a deposit and return scheme.>

Section 59

Des McNulty
Supported by: Angela Constance

Leave out section 59

Section 62

Cathy Peattie

In section 62, page 30, line 23, at end insert—

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

Section 64

Iain Smith (on behalf of the Economy, Energy and Tourism Committee)

In section 64, page 31, leave out lines 29 and 30

Alex Johnstone

In section 64, page 31, leave out lines 31 to 35

Section 65

Stewart Stevenson

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>

Cathy Peattie
230 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);>

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

Schedule 2

Iain Smith (on behalf of the Economy, Energy and Tourism Committee)
232 In schedule 2, page 39, leave out lines 24 to 26

Section 67

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

Cathy Peattie
234 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)>

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

Long Title

Stewart Stevenson
35 In the long title, page 1, line 2, leave out <2030> and insert <2020>

Cathy Peattie
236 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>

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