ENVIRONMENT, CLIMATE CHANGE AND LAND REFORM COMMITTEE

AGENDA

28th Meeting, 2018 (Session 5)

Tuesday 23 October 2018

The Committee will meet at 9.15 am in the Robert Burns Room (CR1).

1. **Climate Change (Emissions Reduction Targets) (Scotland) Bill**: The Committee will take evidence on the Bill at Stage 1 from—

   Jim Skea, Co-Chair IPCC Working Group III, Intergovernmental Panel on Climate Change (via video conference);

   Andy Kerr, Co-Director, Centre of Expertise on Climate Change – ClimateXChange (CXC);

   and then from—

   Lord Deben, Chairman, Committee on Climate Change.

2. **Subordinate legislation**: The Committee will take evidence on the Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) (Scotland) Regulations 2021 [draft] from—

   Roseanna Cunningham, Cabinet Secretary for Environment, Climate Change and Land Reform, Pauline Davidson, Head of Land Reform Policy Team, Andrew Ruxton, Scottish Government Legal Directorate, and Dr Simon Cuthbert-Kerr, Head of Land Reform Unit, Scottish Government.

3. **Climate Change (Emissions Reduction Targets) (Scotland) Bill (in private)**: The Committee will consider evidence heard earlier in the meeting and received on the Bill.

4. **Subordinate legislation (in private)**: The Committee will consider evidence heard earlier in the meeting on the Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) (Scotland) Regulations 2021 [draft].
The papers for this meeting are as follows—

**Agenda item 1**

Climate Change (Emissions Reduction Targets) (Scotland) Bill cover note  
ECCLR/S5/18/28/1

PRIVATE PAPER  
ECCLR/S5/18/28/2 (P)

**Agenda item 2**

Register of Persons Holding a Controlled Interest in Land Regulations 2021  
ECCLR/S5/18/28/3

PRIVATE PAPER  
ECCLR/S5/18/28/4 (P)

**Agenda item 3**

PRIVATE PAPER  
ECCLR/S5/18/28/5 (P)
Introduction

1. The Climate Change (Emissions Reductions Targets) (Scotland) Bill was introduced on 23 May 2018 and under rule 9.6 of the Standing Orders, the Parliamentary Bureau referred the Bill to the Environment, Climate Change and Land Reform Committee to consider and report on the general principles.

2. The Scottish Government has published the following documents in relation to the Bill:

   - Climate Change (Emissions Reductions Targets) (Scotland) Bill
   - Policy Memorandum
   - Explanatory Notes
   - Financial Memorandum
   - Delegated Powers Memorandum
   - Statement on Legislative Competence

3. In addition, the Cabinet Secretary for Environment, Climate Change and Land Reform wrote to the Committee to highlight an information and analysis document to support discussion of the Bill. This is included at Annexe A.

4. No secondary Committee was appointed to scrutinise the Bill. However, the Finance and Constitution Committee will consider the Financial Memorandum to the Bill. Provisions relating to delegated powers within the Bill will be considered by the Delegated Powers and Law Reform Committee at Stage 1.

5. This paper sets out the background to the Bill and the Committee’s approach to consideration of the Bill at Stage 1.

Background

7. The key provisions of the agreement were:

- Global temperature rises should be limited to “well below” 2°C and to “pursue efforts” to limit temperature increase to 1.5°C above pre-industrial levels (See Article 2);
- Parties to the agreement are to aim to “reach global peaking of greenhouse gas emissions as soon as possible”;
- Parties are to take action to “preserve and enhance” carbon sinks;
- To conduct a “Global Stocktake” every five years, starting in 2023;
- For developed countries to provide financial support for developing countries to mitigate climate change;
- Creation of goal of “enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change”.

8. Following the adoption of the agreement, the First Minister (who attended the summit) welcomed the agreement and said:

“COP21 has, as we had hoped, achieved a big step forward in the international fight against climate change…..Devolved administrations, like the Scottish Government, will be strong drivers of a progressive climate agenda. We look forward to working with our international partners to secure the successful implementation of the Paris agreement.”

9. In its Programme for Government 2016-17, the Scottish Government signalled its intentions to legislate to create new, more pressing climate change targets via new legislation in order to address the Paris Agreement. In its 2017-18 Programme for Government, the Scottish Government stated the Bill would be included in the programme of legislation that year and said:

“The Climate Change Bill will respond to the historic Paris Agreement by setting more ambitious targets to reduce greenhouse gas emissions. The Bill will increase transparency, demonstrate our commitment to sustainable economic growth and signal to the international community that Scotland is the place to do low carbon business.

10. The Scottish Government requested advice from the Committee on Climate Change (CCC) in October 2016 and received this advice in March 2017. Between 30 June and 22 September 2017, the Scottish Government consulted on provisions and policy for inclusion in the Bill. The main themes of the consultation were:

- Updating the 2050 target in the Climate Change (Scotland) Act 2009 by increasing this from 80% to 90% lower than baseline levels;
- Whether the Bill should contain provisions to allow for a net zero emissions target to be set at a later date;
• To update the interim target for 2020 contained in the Climate Change (Scotland) Act 2009 from 42% to 56% lower than baseline levels;

• To add further interim targets of 66% by 2030 and 78% by 2040;

• To change the presentation of annual targets from tonnes of emissions to percentages to be consistent with the interim targets;

• For these annual targets to be presented as equidistant linear points between the interim targets;

• For targets to be set on the basis of actual emissions, rather than adjustments for crediting systems such as the European Union Emissions Trading Scheme (EU ETS);

• Whether the interim and 2050 emissions targets should be allowed to be changed;

• Reporting, including Climate Change Plans; and

• The impacts of the Bill on people, businesses and the environment.

11. The Scottish Government received 19,365 responses, of which 273 were non-campaign generated. An analysis document published in December 2017 highlighted the views of consultees.

12. In October 2017, the Scottish Government sought further advice, due to revisions to emissions estimates, which was received in December 2017. The Environment, Climate Change and Land Reform Committee took evidence on this advice from the Cabinet Secretary for Environment, Climate Change and Land Reform on 8 May 2018.

Content of the Bill

13. The Bill proposes to increase the 2050 target for reduction of greenhouse gas emissions from the 1990 baseline from 80% (as laid out in the Climate Change (Scotland) Act 2009) to 90%. The Bill also allows for a target of the 100% reduction (known as a net zero target) from the baseline to be created at a future date.

14. The Bill contains 5 Parts and 1 Schedule.

• **Part 1** allows for the creation of a net zero emissions target at a future date and updates the 2009 Act 2050 target from 80% to 90%. It also creates new interim targets for 2030 and 2040, as well as updating the previous 2020 interim target. The Bill creates a new provision for modification of these targets. Part 1 also includes sections proposing annual targets be presented in percentage terms in future and on advice the Scottish Government must seek in setting targets.

• **Part 2** is concerned with Emissions Accounting and how the emissions will be calculated in relation to the targets. This includes restricting the
use of carbon units which can be purchased to contribute towards emissions reductions.

- **Part 3** is about the reporting and planning duties of the Scottish Government on the targets. It also includes detail of proposals for how reports on policies and proposals, suggested to be renamed Climate Change Plans, will be created and published in the future.

- **Part 4** provides further detail on the meaning of terms within the Bill and further consequentials to the 2009 Act.

- **Part 5** contains final general and miscellaneous provisions such as:
  
i. Meaning of the 2009 Act
  
ii. Ancillary Provision
  
iii. Commencement
  
iv. Short title

**Environment, Climate Change and Land Reform Committee Scrutiny**

15. The Committee has agreed to conclude its evidence taking at Stage 1 of the Bill prior to Christmas 2018. The Committee’s timetable for consideration of the Bill at Stage 1 is:

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>19 June 2018</td>
<td>Bill team evidence session</td>
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<tr>
<td>26 June 2018</td>
<td>Consideration of approach paper</td>
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<tr>
<td>June – August 2018</td>
<td>Call for views</td>
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<tr>
<td>October – November 2018</td>
<td>Evidence sessions</td>
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<tr>
<td>December 2018</td>
<td>Consideration of Stage 1 Report.</td>
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16. In addition, the Committee held a call for views in July and August 2018. You can read the responses received [here](#).

17. The Committee plans to consider its draft Stage 1 report following the Christmas recess 2018 and report to Parliament by the end of January 2019.

**Evidence sessions**

18. At its meeting on 19 June 2018, the Committee heard from the Scottish Government Bill Team. In advance of the meeting, the Committee wrote to the Bill Team and received a response on 12 June 2018. The Committee also wrote to the Bill Team after the session and received a response on 26 July 2018. The Committee received a response on 27 July 2018.
Meeting 23 October 2018

At this meeting, the Committee will hear from two panels of witnesses:

- Panel One – ClimateXChange and the Intergovernmental Panel on Climate Change
- Panel Two – Committee on Climate Change

**Panel One - ClimateXChange and the Intergovernmental Panel on Climate Change (IPCC)**

The Committee will hear from ClimateXChange on international best practice on the setting of climate change targets and action to mitigate/adapt to climate change.

Written evidence received from ClimateXChange is available at [Annexe B](#).

The Committee will ask the Intergovernmental Panel on Climate Change (IPCC) about its recently published report "GLOBAL WARMING OF 1.5 °C: an IPCC special report on the impacts of global warming of 1.5 °C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty".

**Panel Two - Committee on Climate Change**

The Committee will hear from the Committee on Climate Change (CCC) on:

- The Scottish Government’s final [Climate Change Plan](#), published in February 2018
- The CCC’s [Reducing emissions in Scotland – 2018 Progress Report to Parliament](#)
- The Climate Change (Emissions Reduction Targets) (Scotland) Bill and the advice the Committee provided to the Scottish Government on the Bill

**Clerks**

[Environment, Climate Change and Land Reform Committee](#)
Dear Graeme,

When to set a net-zero greenhouse gas emissions target year: Information and analysis to support discussion of the Climate Change (Emissions Reduction Targets) (Scotland) Bill.

As you will be aware the Climate Change (Emissions Reduction Targets) (Scotland) Bill was introduced to the Scottish Parliament on 23 May 2018.

The Bill includes the target levels that were advised by the UK Committee on Climate Change and that the Scottish Government consulted on last year, including a 90% emission reduction target for 2050.

The Bill establishes a net-zero target but it does not set a date for that target. In light of the large number of consultation responses calling for a net-zero target to be set for 2050 or sooner, the Bill requires that Ministers regularly consider the earliest achievable year for such a target.

I considered a range of information and analysis in coming to my view on the target levels, and to support the Committee in debating the issue I have today laid a paper in Parliament that summarises that information and analysis. The paper is annexed to this letter for your ease of reference.

Yours,

ROSEANNA CUNNINGHAM
PAPER LAID IN SCOTTISH PARLIAMENT – “WHEN TO SET A NET-ZERO GREENHOUSE GAS EMISSIONS TARGET YEAR: INFORMATION AND ANALYSIS TO SUPPORT DISCUSSION OF THE CLIMATE CHANGE (EMISSIONS REDUCTION TARGETS) (SCOTLAND) BILL”
Environment, Climate Change and Land Reform Committee

Climate Change (Emissions Reduction Targets) (Scotland) Bill

SUBMISSION FROM ClimateXChange

ClimateXChange is Scotland’s Centre of Expertise connecting climate change research and policy. This submission focuses on the Committee’s examination of issues relating to targets and target setting in the Climate Change (Emissions Reduction Targets) (Scotland) Bill.

ClimateXChange commissioned several independent research publications for the Scottish Government which relate to the Bill. These examine greenhouse gas emissions reduction aspirations, strategies and legislative targets set in other countries and jurisdictions. The reports are detailed below.

1) Quality assurance of comparison of international climate change target frameworks (May 2018)
   This report reviews the accuracy of the Scottish Government’s comparisons of greenhouse gas emission reduction targets for leading climate change jurisdictions (Sweden, Norway, Finland, France, UK, EU) and provides additional relevant information.

2) Greenhouse gas accounting for national climate change targets: A comparative study (December 2017)
   This report describes the key differences between greenhouse gas (GHG) accounting frameworks underlying international and domestic national climate change targets and reporting, for a selection of countries: Ireland, France, Denmark, Sweden, Estonia, Norway, New Zealand and Mexico.
   https://www.climatexchange.org.uk/media/2964/greenhouse_gas_accounting_for_national_climate_change_targets.pdf

3) International climate change target frameworks (November 2017)
   This document summarises domestic greenhouse gas (GHG) emissions target frameworks for countries with legislated targets (Sweden, Mexico, Denmark), a sub-state actor with legislated targets (Catalonia) and countries without (Norway, France, Germany, New Zealand, Ireland). The countries and sub-state actor covered were selected because they are known to have statutory and/or highly ambitious targets.
   https://www.climatexchange.org.uk/media/1325/international_climate_change_target_frameworks.pdf

4) A review of greenhouse gas reduction aspirations and their legislation across selected countries and regions (July 2017)
   This report examines countries aspiring to leadership on tackling climate change, and how they are dealing with the challenges of meeting ambitious
climate goals. The paper explores relevant national Climate Change and Energy strategies, plans and policies in some European countries (EU and non-EU), Mexico and two US states. These were chosen on account of their progressive aspirations. The research focused on national greenhouse gas (GHG) targets, sectoral targets, legislation and the strength of law to enforce delivery, the role of carbon trading and offsetting and the achievability of targets.

https://www.climatexchange.org.uk/media/2117/countriesregions_climatechangeaspirations_casestudies.pdf
Introduction

1. The Committee agreed to take evidence on the proposed draft Regulations on the Register of Persons Holding a Controlled Interest in Land. The Committee heard from stakeholders on 25 September and from the Keeper of the Registers of Scotland on 2 October. The Committee will hear from the Cabinet Secretary for Environment, Climate Change and Land Reform on 23 October.

Background

2. Section 39 of the Land Reform (Scotland) Act 2016 requires Scottish Ministers to make regulations requiring information to be provided about persons holding a controlled interest in owners and tenants of land, and for that information to be recorded in a public register, kept by the Keeper of the Registers of Scotland.

3. In September 2016, to inform the creation of the proposed draft Regulations, the Scottish Government published a consultation on Improving Transparency in Land Ownership in Scotland. An analysis of responses received is available here.

4. The proposed draft Regulations and a related Explanatory Note were laid in Parliament on 20 June. In its work programme discussion of 5 June the Committee agreed to consider the regulations, once laid.

5. The Scottish Government is currently carrying out a wider consultation on the draft regulations, with a closing date of 8 November 2018.

Enhanced Affirmative Procedure

6. The proposed Regulations are subject to an enhanced affirmative procedure. This requires a ‘pre-legislative scrutiny’ period, involving formal consultation on a draft, followed by approval by a vote in the Chamber of the Scottish Parliament.

7. The consultation period is 60 days (not including days when the Scottish Parliament is dissolved or in recess for a period of more than 4 days). This means that the deadline for responses is in early November 2018.

8. Section 41 of the Land Reform (Scotland) Act 2016 requires the Scottish Ministers, before laying a draft of the first regulations, to consult with the Keeper of the Registers of Scotland and ‘such other persons as they consider appropriate’.

9. The Scottish Government will lay the final proposed Regulations following conclusion of its consultation (anticipated 2019/20). The Committee will consider
proposed Regulations once laid and if they are passed by the Scottish Parliament, it is anticipated they will come into force on 1 April 2021.

**Timetable**

10. The Committee heard from Scottish Government officials on the regulations and considered its approach at its meeting on 26 June.

11. The Committee then agreed its timetable for consideration of the draft Regulations.

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>29 June 2018</td>
<td>Call for views issued</td>
</tr>
<tr>
<td>17 August 2018</td>
<td>Call for views closed</td>
</tr>
<tr>
<td>4 September 2018</td>
<td>Review of Evidence received</td>
</tr>
<tr>
<td>25 September 2018</td>
<td>Evidence Session with stakeholders</td>
</tr>
<tr>
<td>2 October 2018</td>
<td>Evidence Session with the Registers of Scotland</td>
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<tr>
<td>23 October 2018</td>
<td>Evidence Session with the Cabinet Secretary</td>
</tr>
<tr>
<td>30 October 2018</td>
<td>Consideration of Draft Report</td>
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<tr>
<td>6 November 2018</td>
<td>Consideration of Draft Report</td>
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**Call for Views**

12. The Committee hosted a call for views on the regulations from 29 June to 17 August 2018 and received a total of 12 responses:

- 001 Simon Brooke
- 002 Registers of Scotland
- 003 Shepherd and Wedderburn
- 004 Global Witness
- 005 Pinsent Masons
- 006 Gordon A Hay
- 007 Malcolm Combe
- 008 Community Land Scotland
- 009 Scottish Land and Estates
- 010 Scottish Property Federation
- 011 Andy Wightman MSP
- 012 Law Society of Scotland

13. The Committee received further correspondence from Scottish Land and Estates and from the Law Society of Scotland, following the evidence session on 25 September. The Committee also received further correspondence from the Registers of Scotland following the evidence session on 2 October.

*Clerks/SPICe*

Environment, Climate Change and Land Reform Committee