



The Scottish Parliament  
Pàrlamaid na h-Alba

Clerk to the Delegated Powers and Law Reform Committee  
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Scottish Government

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### **Climate Change (Emissions Reduction Targets) (Scotland) Bill at Stage 1**

The Delegated Powers and Law Reform Committee considered the above Bill on Tuesday 4 September and seeks an explanation of the following matters:

#### **Section 1 (inserting section A1(2) into the Climate Change (Scotland) Act 2009 (“the 2009 Act”) – Power to set a net-zero emissions target year**

**Power conferred on: The Scottish Ministers**

**Power exercisable by: Regulations made by Scottish statutory instrument**

**Parliamentary procedure: Affirmative**

Section 1 inserts new section A1 (the net-zero emissions target) into the 2009 Act. New section A1(2) confers power on the Scottish Ministers to specify by regulations the year in which the “net-zero emissions target” is to be met. This year would become the “net-zero emissions target year”.

The Committee is content with the power in section 1 of the Bill, that inserts section A1(2) into the 2009 Act, in principle, and finds it acceptable that it is subject to the affirmative procedure.

**However, the Committee asks for clarification on the following matter:**

**Section A1 does not require the Scottish Ministers, in preparing regulations to specify the net-zero emissions target year, to have regard to the target-setting criteria and the most up-to-date advice received from the UK Committee on Climate Change. Once the regulations have been laid, however, the Scottish Ministers are required by subsection (3) to publish a statement setting out**

**their reasoning, and – notably - the extent to which the proposed net-zero emissions target year takes account of the target-setting criteria, and whether that year is consistent with the most up-to-date advice received from the UK Committee on Climate Change.**

**The power may be compared to that in section 4 of the Bill, which inserts a new section 2A into the 2009 Act, permitting modification of the 2050 and interim targets. In preparing regulations under new section 2A(1), regard must be had to the target-setting criteria and the most up-to-date advice from the relevant body (new section 2A(3)). Once the regulations have been laid, under new section 2A(6) the Scottish Ministers must publish a statement similar to that described in section A1(3) setting out their reasoning, the extent to which the target-setting criteria have been taken account of, and whether the proposed modification is consistent with the most up-to-date advice received.**

**Please explain why in section A1, although the Scottish Ministers must publish a statement on the extent to which target-setting criteria were taken into account, and whether the net-zero emissions target year is consistent with the most up-to-date advice received from the relevant body, there is no requirement to have regard to target-setting criteria or advice from the relevant body in preparing the regulations, along similar lines to new section 2A(3).**

I would be grateful if you could please email your response to the Delegated Powers and Law Reform Committee e-mail address above by 5pm on Tuesday 2 October 2018.

Thank you.

Andrew Proudfoot  
Clerk to the Delegated Powers and Law Reform Committee