



Northern Ireland  
Assembly

Climate Change Bill

Marshalled List of Amendments  
Consideration Stage

Tuesday 8 March 2022

Amendments tabled up to 9.30am Wednesday, 2 March 2022 and selected for debate

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The Bill will be considered in the following order-

Clauses, Schedules and Long Title

**Clause 1**

*The Members listed below give notice of their intention to oppose the question that clause 1 stand part of the Bill.*

*Ms Clare Bailey*

*Mr John Blair*

**Amendment 1**

**Clause 2, Page 2, Line 20**

Leave out subsection (1) and insert -

‘(1) The climate action plan must be—

- (a) laid before the Assembly by the Executive Office, and
- (b) published by the Executive Office.

(2) The first climate action plan must be laid before the Assembly no later than 3 years beginning with the day after Royal Assent.

(3) Each subsequent climate action plan must be laid before the Assembly no later than 5 years from the date on which the previous plan was laid before the Assembly.’

*Mr John Blair*  
*Ms Clare Bailey*

## **Amendment 2**

### **Clause 2, Page 2, Line 26**

Leave out from ‘is’ to end of line 28 and insert -  
‘is to ensure that—

- (a) the net Northern Ireland emissions account for greenhouse gases for the year 2050 is at least 82% lower than the baseline, and
- (b) the net Northern Ireland emissions account for carbon dioxide for that year is at least 100% lower than the baseline for carbon dioxide.’

*Minister of Agriculture, Environment and Rural Affairs*

## **Amendment 3**

### **Clause 2, Page 2, Line 27**

Leave out from ‘net-zero’ on line 27 to the end of line 28 and insert ‘emissions, climate-resilient and environmentally sustainable economy by the year 2050.’

*Mr Philip McGuigan*  
*Dr Caoimhe Archibald*  
*Mr Declan McAleer*

## **Amendment 4**

### **Clause 2, Page 2, Line 28**

Leave out ‘2045’ and insert ‘2050’

*Ms Clare Bailey*  
*Mr John Blair*

## **Amendment 5**

**Clause 2, Page 2, Line 28**

At end insert -

‘(2A) The Executive Office must ensure that targets for biogenic methane reductions make a fair and proportionate contribution to achieving long-term temperature goals as set out in the 2015 Paris Agreement.’

*Mr Philip McGuigan  
Dr Caoimhe Archibald  
Mr Declan McAleer*

## **Amendment 6**

**Clause 2, Page 2**

Leave out from ‘ending’ on line 32 to end of line 33

*Mr John Blair  
Ms Clare Bailey*

## **Amendment 7**

**Clause 2, Page 2, Line 32**

Leave out ‘five’ and insert ‘20’

*Mr Philip McGuigan  
Dr Caoimhe Archibald  
Mr Declan McAleer*

## **Amendment 8**

**Clause 2, Page 2, Line 38**

Leave out paragraph (a) and insert -

‘(a) “net-zero” means a reduction of net Northern Ireland emissions by at least 100% from the baseline year.’

*Ms Clare Bailey  
Mr John Blair*

## Amendment 9

### Clause 2, Page 2, Line 40

Leave out from ‘to’ to ‘change’ on line 41 and insert ‘of social, economic and environmental systems to adapt to the effects of climate change’

*Mr John Blair*  
*Ms Clare Bailey*

## Amendment 10

### Clause 2, Page 2, Line 42

Leave out from line 42 on page 2 to line 10 on page 3 and insert -

‘(c) The baseline is the aggregate amount of net Northern Ireland emissions of each greenhouse gas mentioned in the following table in the year specified in relation to that gas—

<i>Greenhouse gas</i>	<i>Year</i>
Carbon dioxide	1990
Methane	1990
Nitrous oxide	1990
Hydrofluorocarbons	1995
Perfluorocarbons	1995
Sulphur hexafluoride	1995
Nitrogen trifluoride	1995

- (d) The Department may by regulations amend the table in subsection (1) so as to specify a different year in relation to a greenhouse gas.
- (e) The Department may make such regulations only if it is satisfied that it is appropriate to do so as a result of significant developments in United Kingdom or international law or policy relating to climate change.’

*Ms Clare Bailey*  
*Mr John Blair*

## Amendment 11

### Clause 2, Page 3, Line 7

Leave out paragraph (d) and insert -

‘(6A) For the purposes of subsection (2), the following are to be determined in accordance with regulations made by the Department—

- (a) the net Northern Ireland emissions account (both for greenhouse gases and for carbon dioxide);
- (b) the baseline;
- (c) the baseline for carbon dioxide.’

*Minister of Agriculture, Environment and Rural Affairs*

## **Amendment 12**

**Clause 2, Page 3, Line 14**

Leave out ‘2045’ and insert ‘2050’

*Ms Clare Bailey*  
*Mr John Blair*  
*Mr Philip McGuigan*  
*Dr Caoimhe Archibald*

## **Amendment 13**

**Clause 2, Page 3, Line 18**

At end insert -

‘(10) The Department may make such regulations only if it is satisfied that it is appropriate to do so as a result of significant developments in United Kingdom or international law or policy relating to climate change.’

*Mr Gerry Carroll*  
*Mr John Blair*

## **Amendment 14**

### **New Clause**

After clause 2 insert -

#### **‘Requirements for climate action plans**

**2A.—**(1) In deciding its climate action plan for the purposes of section 2, the Northern Ireland departments must—

- (a) have regard to the desirability of co-ordinating the plan with corresponding plans or policies in other parts of the United Kingdom, in the Republic of Ireland or elsewhere;
- (b) consult such persons as it considers appropriate (including, where appropriate, any public body responsible in any other jurisdiction for providing advice or making recommendations in connection with adaptation to, or the mitigation of the effects of, climate change).

(2) In deciding its climate action plan for the purposes of section 2, each Northern Ireland department must also have regard to—

- (a) the just transition principle; and
- (b) the desirability of using and supporting nature-based projects, whether alone or together with other types of action.

(3) “Nature-based projects” are projects to protect, restore or sustainably manage ecosystems in order to promote both human well-being and biodiversity or provide other environmental, social and economic benefits.

(4) Each climate action plan must include proposals for resourcing the plan.

(5) Each climate action plan under section 2 must—

- (a) explain how the plan is expected to affect the workforce, employers and communities, making particular reference to small businesses; and

(b) include proposals and policies for supporting the workforce, employers and communities.

(c) “small business” is a business that employs fewer than 50 persons.

(6) The duty under subsection (2) is in addition to, and does not limit, the duty under section 25 of the Northern Ireland (Miscellaneous Provisions) Act 2006 (sustainable development).

(7) The Department may by regulations amend subsection (5); and such regulations may define a small business by reference to such matters (or combination of matters) as the Department considers appropriate (including, in particular, the number of its employees, its turnover and its balance sheet).’

*Mr John Blair*

*Ms Clare Bailey*

## **Amendment 15**

### **New Clause**

After clause 2 insert -

#### **‘Requirements for climate action plans: carbon leakage**

**2B.**—(1) In deciding its climate action plan for the purposes of section 2, each Northern Ireland department must take into account—

- (a) the risk of that implementation of the plan will result in carbon leakage, and
- (b) the desirability of eliminating or minimising that risk.

(2) “Carbon leakage” means the transfer of the production of goods (including agricultural goods) and the provision of services to countries without comparable climate change policies.

(3) In subsection (2), “comparable climate change policies” are policies that are intended to achieve reductions in greenhouse gas emissions for the country in question which are equivalent to the target set out in section 2.’

*Mr John Blair*

*Ms Clare Bailey*

## **Amendment 16**

### **Clause 3, Page 3, Line 20**

Leave out from ‘two’ to end of line 22 and insert -

‘four parts—

- (a) targets for the years 2030 and 2040 which are consistent with the overriding climate objective;
- (b) targets, for which see subsection (2);
- (c) measures, for which see subsection (3); and
- (d) sectoral plans.’

*Ms Clare Bailey*

*Mr John Blair*

## **Amendment 17**

### **Clause 3, Page 3, Line 23**

Leave out ‘annual targets’ and insert ‘targets to be achieved during the time period to which a climate action plan relates’

*Ms Clare Bailey*

*Mr John Blair*

## **Amendment 18**

### **Clause 3, Page 3, Line 25**

Leave out ‘greenhouse gas’ and insert ‘reductions in Northern Ireland’

*Ms Clare Bailey*

*Mr John Blair*

## **Amendment 19**

### **Clause 3, Page 3, Line 28**

At end insert -

‘(e) air quality’

*Mr Philip McGuigan*

*Dr Caoimhe Archibald*

*Mr Declan McAleer*

## **Amendment 20**

### **Clause 3, Page 3, Line 29**

At end insert -

‘(2A) The “net Northern Ireland emissions” is determined as follows—

- (a) take the aggregate amount of net Northern Ireland emissions of each greenhouse gas for that year,
- (b) deduct the amount of carbon units that are to be credited to the net Northern Ireland emissions account for that year, and
- (c) add the amount of carbon units that are to be debited from the net Northern Ireland emissions account for that year.’

*Ms Clare Bailey*

*Mr John Blair*

## **Amendment 21**

### **Clause 3, Page 3, Line 36**

Leave out from ‘The’ to ‘are’ on line 37 and insert ‘Targets under subsection (1) must be set in a way best calculated to achieve the overriding climate objective,’

*Ms Clare Bailey*

*Mr John Blair*

## **Amendment 22**

### **Clause 3, Page 3, Line 39**

At end insert -

- ‘(aa) That such targets are set while recognising that the island of Ireland is a single biogeographic unit;
- (ab) therefore targets should, as far as reasonably practicable, align with those of the Republic of Ireland;
- (ac) that such targets are set following a financial, social, economic and rural impact assessment.’

*Mr Philip McGuigan*

*Dr Caoimhe Archibald*

*Mr Declan McAleer*

## **Amendment 23**

### **Clause 3, Page 4, Line 5**

At end insert -

- ‘(v) the just transition principles;
- (vi) the transboundary impact.’

*Mr Gerry Carroll*

*Mr John Blair*

## **Amendment 24**

### **Clause 3, Page 4, Line 6**

Leave out paragraph (c)

*Ms Clare Bailey*

*Mr John Blair*



## **Amendment 25**

**Clause 3**, Page 4, Line 10

At end insert -

‘(aa) that such proposals are made after a 16-week public consultation.’

*Mr Philip McGuigan  
Dr Caoimhe Archibald  
Mr Declan McAleer*

## **Amendment 26**

**Clause 3**, Page 4, Line 22

Leave out ‘element’ and insert ‘impact’

*Mr Gerry Carroll  
Mr John Blair*

## **Amendment 27**

**Clause 3**, Page 4, Line 23

At end insert -

- ‘(ca) that such proposals take into account the special economic and social role of agriculture, including with regard to the distinct characteristics of biogenic methane;
- (cb) that such proposals ensure that targets for biogenic methane reductions make a fair and proportionate contribution to achieving long-term temperature goals as set out in the 2015 Paris Agreement;
- (cc) that such proposals take into account the risk of substantial and unreasonable carbon leakage.’

*Mr Philip McGuigan  
Dr Caoimhe Archibald  
Mr Declan McAleer*

## **Amendment 28**

**Clause 3**, Page 5, Line 8

After ‘(including’ insert ‘planning, construction and’

*Mr John Blair  
Ms Clare Bailey*

## **Amendment 29**

**Clause 3, Page 5, Line 12**

At end insert -

‘(ga) fisheries (including sea fisheries and the inland fisheries industry)’

*Mr John Blair*  
*Ms Clare Bailey*

## **Amendment 30**

**Clause 3, Page 5, Line 13**

After ‘agriculture’ insert ‘(including carbon audits for farms, including carbon sequestration measures)’

*Mr John Blair*  
*Ms Clare Bailey*

## **Amendment 31**

**Clause 3, Page 5, Line 24**

At end insert -

‘(7A) In addition to the matters specified in subsection (7)—

- (a) the sectoral plan for energy must include proposals and policies to ensure that 80% of electricity is generated from renewable sources by 2030;
- (b) the sectoral plan for transport must include proposals and policies to ensure that 10% of transport budgets is spent on the promotion of walking, cycling and other forms of active transport;
- (c) the sectoral plan for waste management must include proposals and policies to ensure that 70% of waste is recycled by 2030.

(7B) The Department may—

- (a) by regulations amend the sectors listed in subsection (7) (including by adding new sectors relating to the departments mentioned or other departments);
- (b) make regulations setting out criteria to be used for the purpose of determining whether the targets set out in subsection (7A) have been met.’

*Mr John Blair*  
*Ms Clare Bailey*

## **Amendment 32**

### **Clause 3, Page 5, Line 25**

Leave out subsection (8) and insert -

‘(8) Sectoral plans shall also have regard to the following principles which will be known as the “Just Transition Principles”—

- (a) supporting jobs and growth of jobs that are climate resilient and environmentally and socially sustainable;
- (b) in particular, supporting the agriculture sector and other sectors of the economy in Northern Ireland that are likely to be most affected by action to reduce those emissions and increase those removals;
- (c) supporting low-carbon investment and infrastructure;
- (d) developing and maintaining consensus through engagement with (among others) workers, trade unions, communities, non-governmental organisations and representatives of the interests of business and industry;
- (e) creating decent, fair and high-value work in a way which does not negatively affect the current workforce;
- (f) contributing to a resource-efficient and sustainable economy;
- (g) supporting persons who are most affected by climate change, particularly those who may have done the least to cause it or may be the least equipped to adapt to its effects;
- (h) reducing, with a view to eliminating poverty, inequality and social deprivation;
- (i) ensuring that gender inequality is eliminated and advancing equality of opportunity between men and women;
- (j) supporting the social and economic needs of people in rural areas; and
- (k) taking into account the future generations principle.

(8A) “sustainable economy” means a process of improving the economy in a way which conserves and improves natural resources, in accordance with the future generations principle;

(8B) “future generations principle” means acting in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.’

*Mr Gerry Carroll*

*Mr John Blair*

## **Amendment 33**

### **Clause 3, Page 5, Line 34**

At end insert -

‘(8A) In preparing the climate action plan, the Executive Office must have particular regard to—

- (a) the special economic and social role of agriculture, and
- (b) in particular, scientific advice regarding—
  - (i) the special characteristics of biogenic methane, and
  - (ii) the taking of action to bring about a net reduction in emissions of biogenic methane.

(8B) Subsection (8A) does not limit subsection (7)(h).’

*Minister of Agriculture, Environment and Rural Affairs*

## **Amendment 34**

### **Clause 3, Page 5, Line 34**

At end insert -

‘(g) as far as reasonably practicable, align with plans, policies and strategies in the Republic of Ireland.’

*Mr Philip McGuigan  
Dr Caoimhe Archibald  
Mr Declan McAleer*

## **Amendment 35**

### **Clause 3, Page 5, Line 35**

Leave out subsection (9) and insert -

‘(9) “Transboundary impact” means any impact on the targets for any matters listed in subsection (2) caused by human activity, the physical origin of which is situated wholly or in part outside Northern Ireland.’

*Mr Gerry Carroll  
Mr John Blair*

## **Amendment 36**

### **Clause 3, Page 5, Line 35**

Leave out from ‘negative’ to ‘areas’ on line 37 and insert ‘activity in Northern Ireland which may impact on the environment, including its waters and atmosphere, of any of the following areas’

*Mr Philip McGuigan  
Dr Caoimhe Archibald  
Mr Declan McAleer*

## **Amendment 37**

### **Clause 3, Page 6, Line 2**

At end insert -

‘(11) In the discharge of any duty under this section to take into account the transboundary impact, the Department shall consult with the relevant authorities in the Republic of Ireland.’

*Mr Gerry Carroll  
Mr John Blair*

## **Amendment 38**

### **Clause 4, Page 6, Line 4**

Leave out subsection (1) and insert -

‘(1) Reports must be laid before the Assembly in respect of each climate action plan—

- (a) within 12 months of a climate action plan being affirmed by the Assembly, and
- (b) within each subsequent 12-month period of the previous report being laid before the Assembly.’

*Mr John Blair*

*Ms Clare Bailey*

## **Amendment 39**

### **Clause 4, Page 6, Line 10**

After second ‘target’ insert ‘or if the target is not likely to be met, the reasons for such likelihood’

*Ms Clare Bailey*

*Mr John Blair*

## **Amendment 40**

### **New Clause**

After clause 4 insert -

#### **‘Climate change reporting by public bodies**

**4A.—**(1) The Department must make regulations that impose, on specified public bodies, specified climate change reporting duties.

“Specified” means specified in the regulations.

(2) In this section “public body” means—

- (a) a person or body with functions of a public nature;
- (b) a person who is a statutory undertaker within the meaning of the Planning Act (Northern Ireland) 2011 (see section 250 of that Act).

(3) The climate change reporting duties that may be imposed on a body under subsection (1) include in particular duties to prepare reports containing any of the following—

- (a) an assessment of the current and predicted impact of climate change in relation to the body’s functions;
- (b) a statement of the body’s proposals and policies for adapting to, or mitigating the effects of, climate change in the exercise of its functions;
- (c) a statement of the timescales for implementing those proposals and policies;
- (d) an assessment of the progress made by the body towards implementing the proposals and policies set out in any previous reports prepared under the regulations.

(4) The regulations may require public bodies to have regard to (among other things) the following, so far as relevant—

- (a) the most recent report under section 56 of the Climate Change Act 2008 (report on impact of climate change);
  - (b) the most recent programme under section 60 of that Act (programme for adaptation to climate change for Northern Ireland);
  - (c) the desirability of co-ordinating the proposals and policies referred to in subsection (3)(b) with corresponding proposals and policies in other parts of the United Kingdom, in the Republic of Ireland or elsewhere.
- (5) The regulations may make provision about—
- (a) the contents of a report (including the time period to which the report relates);
  - (b) the time period within which a report must be prepared;
  - (c) co-operation between public bodies in the preparation of a report, or the preparation of a joint report, by two or more public bodies;
  - (d) the form of reports;
  - (e) the publication of reports.
- (6) The regulations may confer functions on the Department in connection with the duties imposed by the regulations.
- (7) The Department must consult such public bodies, and such other persons, as it considers appropriate before making the regulations.
- (8) The first regulations made under this section must come into operation before the end of the period of 18 months beginning with the day on which this Act receives Royal Assent.’

*Mr John Blair*  
*Ms Clare Bailey*

## **Amendment 41**

### **New Clause**

After clause 4 insert -

#### **‘Net greenhouse gas emissions**

- 4B.**—(1) The amount of net greenhouse gas emissions for a period is—
- (a) the amount of Northern Ireland emissions of the gas for the period (see subsection (2)), minus
  - (b) the amount of Northern Ireland removals of the gas for the period (see subsection (3)).
- (2) The Northern Ireland emissions of a gas for a period are—
- (a) emissions of the gas from sources in Northern Ireland in the period, and
  - (b) emissions of the gas from international aviation or international shipping that count as Northern Ireland emissions for the period (as determined by regulations under section 1B).
- (3) The Northern Ireland removals of a gas for a period are removals of the gas from the atmosphere in the period due to—
- (a) land-use in Northern Ireland;
  - (b) land-use change in Northern Ireland;
  - (c) forestry activities in Northern Ireland; and
  - (d) the use of carbon capture and storage technology.

(4) The Department may by regulations amend subsection (3) so as to amend the definition of Northern Ireland removals.

(5) The amounts of Northern Ireland emissions and Northern Ireland removals of a gas for a period must be determined consistently with international carbon reporting practice.

(6) “International carbon reporting practice” means accepted practice in relation to reporting for the purposes of—

- (a) the protocols to the United Nations Framework Convention on Climate Change, or
- (b) such other international agreements or arrangements as the Department may specify by regulations.’

*Ms Clare Bailey*

*Mr John Blair*

## **Amendment 42**

### **New Clause**

After clause 4 insert -

#### **‘Meaning of “Northern Ireland emissions”: international aviation and shipping**

**4C.**—(1) The Department may by regulations make provision for emissions of a greenhouse gas from international aviation or international shipping to count as Northern Ireland emissions of the gas.

(2) The regulations may—

- (a) specify activities which are to be regarded as international aviation or international shipping;
- (b) specify the circumstances in which, and the extent to which, emissions of a greenhouse gas from international aviation or international shipping are to count as Northern Ireland emissions of that gas;
- (c) specify the period (whether past or future) for which emissions of a greenhouse gas from international aviation or international shipping are to count as Northern Ireland emissions of that gas;
- (d) make provision about how emissions of a greenhouse gas from international aviation or international shipping are to be taken into account in determining Northern Ireland emissions of that gas.’

*Ms Clare Bailey*

*Mr John Blair*

## **Amendment 43**

### **New Clause**

After clause 4 insert -

#### **‘Crediting and debiting of carbon units**

**4D.**—(1) The Department may by regulations make provision about—

- (a) the circumstances in which carbon units may or may not be credited to the net Northern Ireland emissions account for a period,

- (b) the circumstances in which carbon units may or may not be debited from that account for a period, and
- (c) how that is to be done.

(2) The regulations must contain provision for ensuring that carbon units that are credited to the net Northern Ireland emissions account for a period cease to be available to offset other greenhouse gas emissions.

(3) The regulations may provide that carbon units of a description specified in the regulations do not count towards the limit.

(4) In this section, a “carbon unit” is a unit of a kind specified in regulations made by the Department and representing—

- (a) a reduction in an amount of greenhouse gas emissions,
- (b) the removal of an amount of greenhouse gas from the atmosphere, or
- (c) an amount of greenhouse gas emissions allowed under a scheme or arrangement imposing a limit on such emissions.’

*Ms Clare Bailey*

*Mr John Blair*

## **Amendment 44**

### **New Clause**

After clause 4 insert -

#### **‘Carbon units: accounting scheme**

**4E.—**(1) The Department may by regulations make provision for a scheme—

- (a) for registering or otherwise keeping track of carbon units, or
- (b) for establishing and maintaining accounts in which carbon units may be held, and between which they may be transferred, by the Department.

(2) The regulations may provide for an existing scheme to be adapted for those purposes.

(3) The regulations may—

- (a) appoint a person or body (an “administrator”) to administer the scheme, or provide that the Department is to do so;
- (b) establish a body for the purpose of administering the scheme and make provision in relation to the appointment of members, staffing, expenditure and procedure of that body;
- (c) confer or impose functions on the administrator for the purpose of administering the scheme;
- (d) confer power on the Department to give guidance or directions to the administrator;
- (e) require the payment by persons using the scheme of charges (of an amount determined by or under the regulations) towards the cost of operating it.

(4) If regulations adapt an existing scheme or appoint an existing person to administer the scheme, the regulations may amend any statutory provision relating to the existing scheme or existing person.’

*Ms Clare Bailey*

*Mr John Blair*



## Clause 5

*The Members listed below give notice of their intention to oppose the question that clause 5 stand part of the Bill.*

*Mr John Blair  
Ms Clare Bailey*

## Amendment 45

Leave out clause 6 and insert -

### **‘Northern Ireland Climate Commissioner**

6.—(1) The Executive Office must by regulations establish an independent office known as the “Northern Ireland Climate Commissioner”.

(2) The functions of the Commissioner are to oversee and report on the operations of this Act.

(3) Regulations under subsection (1)—

- (a) must make provision for the appointment of the Commissioner;
- (b) may provide that the Commissioner is to be a corporation sole;
- (c) may make provision about the general powers of the Commissioner;
- (d) may make provision for the payment of remuneration and allowances to the Commissioner, and for the defraying of the Commissioner’s expenses;
- (e) make provision in relation to accounting, reporting and record-keeping by the Commissioner;
- (f) may make provision for the appointment of officers and staff by the Commissioner;
- (g) may make provision about the acquisition and disposal by the Commissioner of property, rights and liabilities (including land);
- (h) make such further provision in relation to the Commissioner as the Executive Office considers appropriate.

(4) Regulations under subsection (1) may also make provision about the functions of the Commissioner, including provision specifying how the oversight and reporting functions are to be performed.

(5) The first regulations under subsection (1) must be laid in draft before the Assembly within the period of 2 years beginning with the day on which this Act receives Royal Assent.’

*Mr John Blair  
Ms Clare Bailey*

## Amendment 46

**Clause 7, Page 8, Line 37**

At end insert -

‘(2A) The appointment of the Northern Ireland Climate Commissioner will be subject to the Code of Practice for Ministerial Public Appointments in Northern Ireland.’

*Mr Philip McGuigan  
Dr Caoimhe Archibald  
Mr Declan McAleer*

## **Clause 7**

*The Members listed below give notice of their intention to oppose the question that clause 7 stand part of the Bill.*

*Mr John Blair  
Ms Clare Bailey*

## **Clause 8**

*The Members listed below give notice of their intention to oppose the question that clause 8 stand part of the Bill.*

*Mr John Blair  
Ms Clare Bailey*

## **Clause 9**

*The Members listed below give notice of their intention to oppose the question that clause 9 stand part of the Bill.*

*Mr John Blair  
Ms Clare Bailey*

## **Clause 10**

*The Members listed below give notice of their intention to oppose the question that clause 10 stand part of the Bill.*

*Mr John Blair  
Ms Clare Bailey*

## **Amendment 47**

### **New Clause**

After clause 10 insert -

#### **‘Just Transition Fund for Agriculture**

**10A.**—(1) The Department must by regulations establish a scheme for the administration of a fund to be known as the “Just Transition Fund for Agriculture” for the purpose of providing advice and financial assistance to the agriculture sector to deliver its contribution towards the overriding climate objective in section 2.

(2) The regulations may make provision—

- (a) for determining eligibility or entitlement for advice or assistance under the scheme;
- (b) regarding applications (if any) for advice or assistance under the scheme;
- (c) imposing conditions or restrictions in connection with the scheme;

- (d) requiring persons to provide specified information, or imposing other obligations on them, in connection with the scheme;
  - (e) conferring functions on the Department or other public bodies in connection with the scheme;
  - (f) about steps to be taken to bring the scheme to the attention of persons likely to be eligible for assistance under it;
  - (g) about the enforcement of obligations imposed by, or by virtue of, the regulations (which may include a power for the Department to impose financial penalties);
  - (h) about the general administration of the scheme, including provision for the review of decisions taken under the scheme and for dealing with disputes as to eligibility or entitlement under the scheme;
  - (i) about any other matter which appears to the Department to be necessary or appropriate for the efficient and effective administration of the scheme.
- (3) If the scheme provides for financial assistance, the regulations may make provision—
- (a) for the assistance to be given in any form, including, in particular, by way of a grant, loan or guarantee;
  - (b) for determining the extent of assistance (including for the calculation of payments that are to be made);
  - (c) for the assistance to be provided subject to such conditions as may be specified in, or determined in accordance with, the scheme;
  - (d) for those conditions to include (in the case of a grant) conditions for repayment in specified circumstances;
  - (e) for assistance to be provided—
    - (i) directly to those entitled to receive it under the scheme; or
    - (ii) indirectly (for example by being made to a public body on terms which require that body to provide financial assistance to those so entitled).’

*Mr Gerry Carroll*  
*Mr John Blair*

## **Amendment 48**

### **New Clause**

After clause 10 insert -

#### **‘Adaption Programme Reports**

**10B.**—(1) This section applies where a programme is laid before the Assembly under section 60 of the Climate Change Act 2008 (programme for adaptation to climate change for Northern Ireland).

(2) No later than 3 years after the programme is laid, the Committee on Climate Change must send a report to the Department setting out—

- (a) the Committee’s assessment of the progress made towards implementing the objectives, proposals and policies set out in the programme, and
- (b) the Committee’s recommendations for the next programme to be laid under section 60 of that Act.

(3) The Department must lay a copy of the report before the Assembly as soon as reasonably practicable after receiving it.’

*Mr Gerry Carroll*

## **Amendment 49**

### **New Clause**

After clause 10 insert -

#### **‘Response to adaptation programme reports**

**10C.**—(1) The Department must prepare a response to the points raised by each report of the Committee on Climate Change under section 10C.

(2) Each Northern Ireland department must provide such assistance as the Department requires in the preparation of the response.

(3) The Department must lay the response before the Assembly within 6 months of receiving the report from the Committee.’

*Mr Gerry Carroll*

*Mr John Blair*

## **Amendment 50**

### **New Clause**

After clause 10 insert -

#### **‘Just Transition Principles**

**10D.**—(1) All plans, policies, proposals and targets in this Act must be made in accordance with Just Transition principles.

(2) The Just Transition Principle is the importance, in taking action to reduce Northern Ireland emissions and increase Northern Ireland removals, of doing so in a manner which, so far as possible, achieves the objectives of—

- (a) supporting jobs and growth of jobs that are climate-resilient and environmentally and socially sustainable;
- (b) in particular, supporting the agriculture sector and other sectors of the economy in Northern Ireland that are likely to be most affected by action to reduce those emissions and increase those removals;
- (c) supporting low-carbon investment and infrastructure;
- (d) developing and maintaining consensus through engagement with (among others) workers, trade unions, communities, non-governmental organisations and representatives of the interests of business and industry;
- (e) creating decent, fair and high-value work in a way which does not negatively affect the current workforce;
- (f) contributing to a resource-efficient and sustainable economy;
- (g) supporting persons who are most affected by climate change, particularly those who may have done the least to cause it or may be the least equipped to adapt to its effects;
- (h) reducing, with a view to eliminating poverty, inequality and social deprivation;

- (i) ensuring that gender inequality is eliminated and advancing equality of opportunity between men and women;
- (j) supporting the social and economic needs of people in rural areas; and
- (k) taking into account the future generations principle.

(3) In this section—

- (a) “climate-resilient” means the ability of social, economic and environmental systems to adapt to the effects of climate change;
- (b) “environmentally and socially sustainable”, when used in relation to jobs and job growth, means the creation and promotion of jobs in a way which conserves and improves natural resources, in accordance with the future generations principle;
- (c) “future generations principle” means acting in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.’

*Mr Philip McGuigan*  
*Dr Caoimhe Archibald*  
*Mr Declan McAleer*

## **Amendment 51**

### **New Clause**

After clause 10 insert -

#### **‘Just Transition Commission**

**10E.**—(1) The Department must by regulations establish a body to be known as the “Just Transition Commission”.

(2) The functions of the Commission are to—

- (a) oversee the implementation of the Just Transition elements of this Act, and
- (b) provide advice to the Northern Ireland departments on how to ensure that proposals, policies, strategies and plans required under this Act comply with the Just Transition principle.

(3) Regulations under subsection (1)—

- (a) must make provision for the constitution of the Commission (including, in particular, its membership, general powers and proceedings);
- (b) may provide that the Commission is established as a body corporate (and that section 19 of the Interpretation Act (Northern Ireland) 1954 applies to it with such modifications (if any) as may be prescribed in the regulations);
- (c) may make provision for the payment of remuneration and allowances to members of the Commission, and for the defraying of its expenses;
- (d) may make provision in relation to accounting, reporting and record-keeping by the Commission;
- (e) may make such further provision in relation to the Commission as the Department considers appropriate.

(4) Regulations made by virtue of subsection (3)(a) must provide for the members of the Commission to include a representative of each of the following—

- (a) the agricultural sector;
- (b) the fisheries sector;

- (c) academia;
- (d) trade unions;
- (e) youth groups;
- (f) civic society;
- (g) environmental groups.

(But this does not prevent the regulations from providing for other persons to be members of the Commission.)

(5) Regulations under subsection (1) may also make provision about the functions of the Commission, including provision specifying—

- (a) how the oversight function is to be performed;
- (b) what the Just Transition elements of this Act are.’

*Mr Philip McGuigan*  
*Dr Caoimhe Archibald*  
*Mr Declan McAleer*

## **Amendment 52**

### **New Clause**

After clause 10 insert -

#### **‘Just Transition Fund for Agriculture**

**10F.—**(1) The Department must by regulations establish a scheme for the administration of a fund to be known as the “Just Transition Fund for Agriculture” for the purpose of providing advice and financial assistance to the agriculture sector to help deliver its contribution to targets outlined in Climate Action Plans.

(2) The regulations may make provision—

- (a) for determining eligibility or entitlement for advice or assistance under the scheme;
- (b) regarding applications (if any) for advice or assistance under the scheme;
- (c) imposing conditions or restrictions in connection with the scheme;
- (d) requiring persons to provide specified information, or imposing other obligations on them, in connection with the scheme;
- (e) conferring functions on the Department or other public bodies in connection with the scheme;
- (f) about steps to be taken to bring the scheme to the attention of persons likely to be eligible for assistance under it;
- (g) about the enforcement of obligations imposed by, or by virtue of, the regulations (which may include a power for the Department to impose financial penalties);
- (h) about the general administration of the scheme, including provision for the review of decisions taken under the scheme and for dealing with disputes as to eligibility or entitlement under the scheme;
- (i) about any other matter which appears to the Department to be necessary or appropriate for the efficient and effective administration of the scheme.

(3) If the scheme provides for financial assistance, the regulations may make provision—

- (a) for the assistance to be given in any form, including, in particular, by way of a grant, loan or guarantee;

- (b) for determining the extent of assistance (including for the calculation of payments that are to be made);
- (c) for the assistance to be provided subject to such conditions as may be specified in, or determined in accordance with, the scheme;
- (d) for those conditions to include (in the case of a grant) conditions for repayment in specified circumstances;
- (e) for assistance to be provided—
  - (i) directly to those entitled to receive it under the scheme; or
  - (ii) indirectly (for example by being made to a public body on terms which require that body to provide financial assistance to those so entitled).’

*Mr Philip McGuigan*  
*Dr Caoimhe Archibald*  
*Mr Declan McAleer*

## **Clause 12**

*The Member listed below gives notice of her intention to oppose the question that clause 12 stand part of the Bill.*

*Ms Clare Bailey*

## **Amendment 53**

### **New Clause**

After clause 13 insert -

#### **‘Requirement to obtain advice about proposals to make regulations**

**13A.**—(1) This section applies in relation to the making of regulations under any provision of this Act.

(2) Before making regulations, or laying draft regulations before the Assembly, the Department must—

- (a) request advice from the Committee on Climate Change about the proposal to make the regulations, and
- (b) take the Committee’s advice into account.

(3) When the Department requests advice from the Committee on Climate Change under this section, it must specify a reasonable period within which the advice must be provided.

(4) The Committee must provide the advice within that period.

(5) The Committee’s advice must set out the reasons for the advice.

(6) The Department must publish the Committee’s advice as soon as reasonably practicable after receiving it.

(7) Subsections (8) and (9) apply where—

- (a) the Committee’s advice includes recommendations as to provision that should be made by regulations, and
- (b) the Department intends to make regulations that differ from that recommendation.

(8) If the regulations are to be laid in draft before the Assembly, the Department must at the same time lay before the Assembly a statement setting out the reasons for the difference.

(9) Otherwise, the Department must, on making the regulations, publish a statement setting out the reasons for the difference.'

*Mr John Blair*  
*Ms Clare Bailey*

## **Amendment 54**

### **New Clause**

After clause 13 insert -

#### **'Regulations that amend or add an emissions target**

**13B.**—(1) This section applies in relation to the making of regulations, under any provision of this Act, that amend an emissions target or add a new target in relation to emissions.

(2) The Department may make such regulations only if—

(a) it is satisfied that it is appropriate to do so as a result of significant developments in one or more of the following matters—

(i) United Kingdom or international law or policy relating to climate change;

(ii) scientific knowledge about climate change;

(iii) technology relevant to climate change; or

(b) the provision made by the regulations—

(i) has been recommended by the Committee on Climate Change, or

(ii) is not substantially different from provision that has been recommended by the Committee.

(3) When making such regulations, the Department must have regard to the following matters—

(a) United Kingdom and international law or policy relating to climate change,

(b) scientific knowledge about climate change,

(c) technology relevant to climate change, and

(d) the views of the Climate Commissioner and the Just Transition Commission.'

*Ms Clare Bailey*  
*Mr John Blair*

## **Amendment 55**

### **Clause 14, Page 15, Line 30**

Leave out subsection (1) to (3) and insert -

'(1) Regulations under this Act may make such consequential or supplementary provision as the Department considers appropriate.

(2) The provision that may be made under subsection (1) includes, in particular, provision that amends this Act.



(3) Regulations may not be made under any provision of this Act unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.’

*Mr Gerry Carroll  
Mr John Blair*

## **Amendment 56**

Leave out clause 16 and insert -

### **‘Commencement**

**16.**—(1) This section and section 17 come into operation on the day after the day on which this Act receives Royal Assent.

(2) Sections 1, 2, 3 and 4 come into operation on the day after the day on which this Act receives Royal Assent.

(3) Section 6 comes into operation within 2 years on the day after the day on which this Act receives Royal Assent.

(4) The other provisions of this Act come into operation on such day or days as the Department may by order appoint.

(5) An order under this section may contain such transitional, transitory or saving provision as the Department considers appropriate.’

*Mr Gerry Carroll  
Mr John Blair*

## **Amendment 57**

### **Schedule 1, Page 17**

Leave out lines 17 and 18

*Mr Philip McGuigan  
Dr Caoimhe Archibald  
Mr Declan McAleer*

## **Schedule 1**

*The Members listed below give notice of their intention to oppose the question that Schedule 1 stand part of the Bill.*

*Mr John Blair  
Ms Clare Bailey*

## **Schedule 2**

*The Members listed below give notice of their intention to oppose the question that Schedule 2 stand part of the Bill.*

*Mr John Blair  
Ms Clare Bailey*

## **Amendment 58**

### **Long Title**

Leave out ‘net-zero carbon target for Northern Ireland’ and insert ‘target to reduce Northern Ireland emissions of greenhouse gases by at least 82%’

*Minister of Agriculture, Environment and Rural Affairs*





Northern Ireland  
Assembly

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