



Northern Ireland
Assembly

Climate Change (No. 2) Bill

Annotated Marshalled List of Amendments
Further Consideration Stage

Monday 28 February 2022 and Tuesday 1 March 2022

Amendments tabled up to 9.30am Wednesday, 23 February 2022 and selected for debate

Amendment 1 [Made]

Clause 1, Page 1, Line 10

At end insert -

‘(3) The duty in subsection (1) does not require the net Northern Ireland emissions account for methane for the year 2050 to be more than 46% lower than the baseline for methane.’

Minister of Agriculture, Environment and Rural Affairs

Amendment 2 [Not called]

Clause 1, Page 1, Line 10

At end insert -

‘(3) The Northern Ireland departments 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

Mr Declan McAleer

Dr Caoimhe Archibald

Amendment 3 [Made on Division]

Clause 3, Page 2, Line 3

Leave out ‘at least 69% lower than the baseline’ and insert ‘in line with the overall target for the year 2050’

Mr Philip McGuigan
Mr Declan McAleer
Dr Caoimhe Archibald

Amendment 4 [Not moved]

Clause 4, Page 2, Line 6

Leave out ‘at least 48% lower than the baseline’ and insert ‘in line with the overall target for the year 2050’

Mr Philip McGuigan
Mr Declan McAleer
Dr Caoimhe Archibald

Amendment 5 [Made on Division]

New Clause

After clause 5 insert -

‘Duty to consider whether to revise targets

5A.—(1) The Department must consider whether the targets in sections 3 and 4 are consistent with meeting the emissions target in section 1(1).

(2) In relation to each of the targets in sections 3 and 4, the Department must either—

- (a) lay before the Assembly draft regulations under section 5 to amend the target so as to be consistent with the target in section 1(1), or
- (b) lay before the Assembly a statement explaining why it considers that the target does not need to be amended.

(3) The Department must lay draft regulations or a statement in relation to each target within the period of 2 years beginning with the day on which this Act receives Royal Assent.

(4) Section 53(2) does not apply to regulations laid before the Assembly under subsection (2)(a).’

Minister of Agriculture, Environment and Rural Affairs

Amendment 6 [Made on Division]

Clause 6, Page 2, Line 35

At end insert -

‘(2A) The baseline for methane is the amount of net Northern Ireland emissions of methane in 1990.’

Minister of Agriculture, Environment and Rural Affairs

Amendment 7 [Made]

Clause 6, Page 3, Line 2

After '(2)' insert 'or (2A)'

Minister of Agriculture, Environment and Rural Affairs

Amendment 8 [Made]

Clause 6, Page 3, Line 3

After 'dioxide' insert 'or methane'

Minister of Agriculture, Environment and Rural Affairs

Amendment 9 [Made on Division]

Clause 7, Page 3, Line 10

After '8' insert ', 8A'

Minister of Agriculture, Environment and Rural Affairs

Amendment 10 [Made]

Clause 7, Page 3, Line 18

Leave out '(see subsection (3))' and insert 'or the net Northern Ireland emissions account for methane (see subsections (3) and (4))'

Minister of Agriculture, Environment and Rural Affairs

Amendment 11 [Negatived on Division]

Clause 7, Page 3, Line 22

After '8' insert ', 8A'

Minister of Agriculture, Environment and Rural Affairs

Amendment 12 [Made]

Clause 7, Page 3, Line 28

At end insert -

'(4) The net Northern Ireland emissions account for methane for 2050 is the amount of net Northern Ireland emissions of methane for 2050 (which is to be determined in accordance with sections 8 and 9).'

Minister of Agriculture, Environment and Rural Affairs

Amendment 13 [Negatived on Division]

As an Amendment to Amendment 12

After '8' insert ', 8A'

Minister of Agriculture, Environment and Rural Affairs

Amendment 14 [Negatived on Division]

Clause 8, Page 3, Line 39

After 'period,' insert 'except those excluded under section 8A,'

Minister of Agriculture, Environment and Rural Affairs

Amendment 15 [Made]

Clause 8, Page 4, Line 6

Leave out paragraph (d) and insert -

'(d) the use of carbon capture and storage technology.'

Minister of Agriculture, Environment and Rural Affairs

Amendment 16 [Not called]

Clause 8, Page 4, Line 6

Leave out ‘carbon capture use and storage technology’ and insert ‘emissions removal technology’

Mr Philip McGuigan

Mr Declan McAleer

Dr Caoimhe Archibald

Amendment 17 [Negatived on Division]

New Clause

After clause 8 insert -

‘Meaning of “Northern Ireland emissions”: agriculture

8A.—(1) Emissions of a greenhouse gas from agricultural sources do not count as Northern Ireland emissions of the gas.

(2) For the purposes of subsection (1), emissions from agricultural sources are—

- (a) emissions from enteric fermentation and other emissions from livestock,
- (b) emissions from agricultural soils,
- (c) emissions from agricultural wastes and manure management, and
- (d) emissions from agricultural machinery (whether stationary or mobile).

(3) The Department may by regulations make further provision regarding the exclusion of greenhouse gases from agricultural sources under subsection (1), and in particular may—

- (a) add to the list in subsection (2) emissions from other sources, or remove emissions from that list;
- (b) specify (as exceptions to subsection (1)) circumstances in which, and the extent to which, emissions of a greenhouse gas from agricultural sources are to count as Northern Ireland emissions of that gas.”

Minister of Agriculture, Environment and Rural Affairs

Amendment 18 [Made]

Clause 10, Page 5, Line 1

Leave out subsection (3) and insert -

‘(3) The regulations must set a limit on the net amount of carbon units by which the net Northern Ireland emissions account for a period may be reduced as a result of applying provision made under subsection (1)(a) and (b); and that limit must not be greater than 25% of the aggregate amount of net Northern Ireland emissions of each greenhouse gas for that period (as determined in accordance with sections 8 and 9).’

Minister of Agriculture, Environment and Rural Affairs

Amendment 19 [Not called]

As an Amendment to Amendment 18

After '8' insert ', 8A'

Minister of Agriculture, Environment and Rural Affairs

Amendment 20 [Negatived]

Clause 12, Page 6, Line 14

At end insert -

'(2) In developing sectoral plans, the Northern Ireland departments must commission a financial, social, economic and rural impact assessment on the effects of the proposed plans.'

Mr Philip McGuigan

Mr Declan McAleer

Dr Caoimhe Archibald

Amendment 21 [Negatived]

Clause 18, Page 7, Line 25

At end insert -

'(4) When developing Sectoral Plans for agriculture the Department 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

Mr Declan McAleer

Dr Caoimhe Archibald

Amendment 22 [Made on Division]

Clause 22, Page 8, Line 13

At end insert -

'(b) commission a financial, social, economic and rural impact assessment on the effects of the carbon budget for that period, and'

Mr Philip McGuigan

Mr Declan McAleer

Dr Caoimhe Archibald

Amendment 23 [Made on Division]

Clause 22, Page 8, Line 14

Leave out paragraph (b) and insert -

‘(c) also consult with the Northern Ireland Climate Commissioner, the other Departments and the Just Transition Commission and lay the proposals with the Assembly.’

Mr Philip McGuigan
Mr Declan McAleer
Dr Caoimhe Archibald

Amendment 24 [Not called]

Clause 22, Page 8, Line 15

Leave out from second ‘and’ to ‘Assembly’ on line 16

Minister of Agriculture, Environment and Rural Affairs

Amendment 25 [Made]

Clause 22, Page 8, Line 17

Leave out subsection (3)

Minister of Agriculture, Environment and Rural Affairs

Amendment 26 [Made]

Clause 22, Page 8, Line 22

Leave out paragraph (a)

Minister of Agriculture, Environment and Rural Affairs

Amendment 27 [Made]

Clause 25, Page 9, Line 11

Leave out ‘In this Act, when setting targets’ and insert ‘In setting a carbon budget’

Minister of Agriculture, Environment and Rural Affairs

Amendment 28 [Made]

Clause 25, Page 9, Line 19

Leave out 'target' and insert 'budget'

Minister of Agriculture, Environment and Rural Affairs

Amendment 29 [Made]

Clause 25, Page 9, Line 24

Leave out 'target' and insert 'budget'

Minister of Agriculture, Environment and Rural Affairs

Amendment 30 [Made]

Clause 25, Page 9, Line 26

Leave out 'target' and insert 'budget'

Minister of Agriculture, Environment and Rural Affairs

Amendment 31 [Made]

Clause 25, Page 9, Line 28

Leave out 'target' and insert 'budget'

Minister of Agriculture, Environment and Rural Affairs

Amendment 32 [Made]

Clause 25, Page 9, Line 29

Leave out 'target' and insert 'budget'

Minister of Agriculture, Environment and Rural Affairs

Amendment 33 [Made]

Clause 25, Page 9, Line 31

Leave out 'target' and insert 'budget'

Minister of Agriculture, Environment and Rural Affairs

Amendment 34 [Made]

Clause 25, Page 9, Line 35

Leave out ‘target’ and insert ‘budget’

Minister of Agriculture, Environment and Rural Affairs

Amendment 35 [Made]

Clause 25, Page 9, Line 36

Leave out ‘target’ and insert ‘budget’

Minister of Agriculture, Environment and Rural Affairs

Amendment 36 [Made]

Clause 25, Page 10, Line 1

Leave out subsection (2) and insert -

‘(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 targets set out in sections 1, 3 and 4, by the years set out in those sections.’

Minister of Agriculture, Environment and Rural Affairs

Amendment 37 [Made]

Clause 28, Page 11, Line 8

At end insert -

‘(2) References in this Act to a “climate action plan” are to a report under this section.’

Minister of Agriculture, Environment and Rural Affairs

Amendment 38 [Made]

Clause 28, Page 11, Line 23

Leave out ‘12’ and insert ‘16’

Minister of Agriculture, Environment and Rural Affairs

Amendment 39 [Made]

Clause 28, Page 11, Line 23

Leave out ‘period’ and insert ‘day’

Minister of Agriculture, Environment and Rural Affairs

Amendment 40 [Made on Division]

Clause 29, Page 11, Line 32

After ‘Ireland’ insert ‘, recognising that the island of Ireland is a single biogeographic unit,’

Mr Philip McGuigan

Mr Declan McAleer

Dr Caoimhe Archibald

Amendment 41 [Made on Division]

Clause 29, Page 11, Line 36

At end insert -

‘(c) commission a financial, social, economic and rural impact assessment on the effects of the proposals and policies.’

Mr Philip McGuigan

Mr Declan McAleer

Dr Caoimhe Archibald

Amendment 42 [Made on Division]

Clause 29, Page 11, Line 36

At end insert -

‘(d) give due regard to the special economic and social role of agriculture, including with regard to the distinct characteristics of biogenic methane.’

Mr Philip McGuigan

Mr Declan McAleer

Dr Caoimhe Archibald

Amendment 43 [Made]

Clause 29, Page 12, Line 37

Leave out subsection (5)

Minister of Agriculture, Environment and Rural Affairs

Amendment 44 [Not called]

Clause 29, Page 12, Line 38

Leave out from ‘advice’ to end of line 40 and insert ‘to support farmers in making changes to reach the target set out in section 1 and to adapt and mitigate climate change and support research, innovation and knowledge transfer.’

Mr Philip McGuigan

Mr Declan McAleer

Dr Caoimhe Archibald

Amendment 45 [Made]

Clause 29, Page 13, Line 4

Leave out ‘report under section 28’ and insert ‘climate action plan’

Minister of Agriculture, Environment and Rural Affairs

Amendment 46 [Made]

Clause 29, Page 13, Line 5

Leave out ‘report’ and insert ‘plan’

Minister of Agriculture, Environment and Rural Affairs

Amendment 47 [Made]

Clause 29, Page 13, Line 6

Leave out subsections (9) and (10)

Minister of Agriculture, Environment and Rural Affairs

Amendment 48 [Not called]

Clause 29, Page 13, Line 6

Leave out ‘report under section 28’ and insert ‘climate action plan’

Minister of Agriculture, Environment and Rural Affairs

Amendment 49 [Not called]

Clause 29, Page 13, Line 7

Leave out ‘report’ and insert ‘plan’

Minister of Agriculture, Environment and Rural Affairs

Amendment 50 [Made]

Clause 29, Page 13, Line 10

Leave out ‘or (10)’

Minister of Agriculture, Environment and Rural Affairs

Amendment 51 [Made]

Clause 29, Page 13, Line 11

Leave out subsection (12)

Minister of Agriculture, Environment and Rural Affairs

Amendment 52 [Made on Division]

Clause 29, Page 13, Line 14

At end insert -

‘(13) Each report under Section 28 must explain how the Department intends to mitigate against any negative effects uncovered in the relevant financial, social, economic and rural impact assessment.’

Mr Philip McGuigan

Mr Declan McAleer

Dr Caoimhe Archibald

Amendment 53 [Made]

Leave out clause 30 and insert -

‘Just Transition Fund for Agriculture

30.—(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 under proposals and policies for the purposes of section 28.

(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 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).’

Minister of Agriculture, Environment and Rural Affairs

Amendment 54 [Made]

Clause 31, Page 13, Line 21

Leave out ‘Policies and proposals under section 28 shall’ and insert ‘Climate action plans must’

Minister of Agriculture, Environment and Rural Affairs

Amendment 55 [Made]

Clause 31, Page 13, Line 34

At end insert -

‘(3) Climate action plans must also include annual targets on—

- (a) greenhouse gas emissions, and
- (b) air quality.’

Minister of Agriculture, Environment and Rural Affairs

Amendment 56 [Made]

Clause 32, Page 14, Line 14

Leave out ‘in relation to the exercise of its functions’ and insert ‘regarding matters in relation to which it has functions’

Minister of Agriculture, Environment and Rural Affairs

Amendment 57 [Not moved]

Clause 32, Page 14, Line 16

At end insert -

‘(2) Each climate action plan must include sectoral plans in accordance with subsections (3) and (4) (“sectoral plans”).

(3) Each Northern Ireland department mentioned in column 1 of the following table must develop a plan for the sector mentioned in the corresponding entry in column 2; and that plan must include, in particular, policies and proposals relating to the matters (if any) mentioned in the corresponding entry in column 3.

<i>Department</i>	<i>Sector</i>	<i>Matters</i>
Department for the Economy	Energy	Energy production; the supply of private and public heating and cooling systems
Department for the Economy	Industrial processes	
Department for Infrastructure	Infrastructure	Planning and construction
Department for Infrastructure	Transport	Public and private transport
Department for Agriculture, Environment and Rural Affairs	Waste management	
Department for Agriculture, Environment and Rural Affairs	Agriculture	Carbon audits for farms, including carbon sequestration measures
Department for Agriculture, Environment and Rural Affairs	Fisheries	Sea fisheries and the inland fisheries industry

(4) In addition to the matters specified in the table in subsection (3)—

- (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.
- (5) The Department may—
- (a) by regulations amend the table in subsection (3) (including by adding new entries 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 (4) have been met.’

Minister of Agriculture, Environment and Rural Affairs

Amendment 58 [Not called]

As an Amendment to Amendment 57

Leave out ‘climate action plan’ and insert ‘report under section 28’

Minister of Agriculture, Environment and Rural Affairs

Amendment 59 [Made, as amended]

Leave out clause 34 and insert -

‘Proposals and policies: workforce, employers and communities

34.—(1) Each climate action plan must—

- (a) explain how the proposals and policies set out in the plan are expected to affect the workforce, employers and communities; and
- (b) include proposals and policies for supporting the workforce, employers and communities.

(2) The explanation, proposals and policies included under subsection (1) must make particular reference to small businesses.

(3) In subsection (2), a “small business” is a business that employs fewer than 50 persons.

(4) The Department may by regulations amend subsection (3); 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).’

Minister of Agriculture, Environment and Rural Affairs

Amendment 60 [Made]

As an Amendment to Amendment 59

In subsection (1), leave out ‘climate action plan’ and insert ‘report under section 28’

Minister of Agriculture, Environment and Rural Affairs

Amendment 61 [Made]

As an Amendment to Amendment 59

In subsection (1)(a), leave out ‘plan’ and insert ‘report’

Minister of Agriculture, Environment and Rural Affairs

Amendment 62 [Made]

Leave out clause 35 and insert -

‘Proposals and policies: carbon leakage

35.—(1) In deciding its proposals and policies for the purposes of section 28, each Northern Ireland department must take into account—

- (a) the risk of that implementation of those proposals and policies 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 targets set out in sections 1, 3 and 4, by the years set out in those sections.’

Minister of Agriculture, Environment and Rural Affairs

Amendment 63 [Made]

Leave out clause 36 and insert -

‘Just Transition Commission

36.—(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.’

Minister of Agriculture, Environment and Rural Affairs

Amendment 64 [Made]

Clause 37, Page 15, Line 12

Leave out ‘report’ and insert ‘climate action plan’

Minister of Agriculture, Environment and Rural Affairs

Amendment 65 [Made]

Clause 38, Page 16, Line 11

Leave out ‘report’ and insert ‘climate action plan’

Minister of Agriculture, Environment and Rural Affairs

Amendment 66 [Made]

Leave out clause 49 and insert -

‘Northern Ireland Climate Commissioner

49.—(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.'

Minister of Agriculture, Environment and Rural Affairs

Amendment 67 [Not called]

Clause 49, Page 21, Line 8

At end insert -

'(2) The functions of the Northern Ireland Climate Commissioner are to—

- (a) oversee the implementation of this Act,
- (b) report on the targets in section 1 and any interim targets every 5 years,
- (c) provide advice to departments in meeting their obligations under this Act.

(3) 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

Mr Declan McAleer

Dr Caoimhe Archibald

Amendment 68 [Not called]

New Clause

After clause 49 insert -

'Northern Ireland Climate Commissioner: Staff

49A. The Climate Commissioner may—

- (a) appoint staff,
- (b) determine the terms and conditions of their employment, and
- (c) make arrangements in respect of salary and pensions for them.'

Mr John Blair

Mr Stewart Dickson

Amendment 69 [Made]

Clause 50, Page 21, Line 11

Leave out '3 years' and insert '24 months'

Mr Philip McGuigan
Mr Declan McAleer
Dr Caoimhe Archibald

Amendment 70 [Made on Division]

Clause 50, Page 21, Line 13

After 'must' insert 'commission a financial, social, economic and rural impact assessment on the effects of the draft climate action plan and'

Mr Philip McGuigan
Mr Declan McAleer
Dr Caoimhe Archibald