



Northern Ireland
Assembly

Climate Change (No. 2) Bill
Marshalled List of Amendments
Consideration Stage
Tuesday 1 February 2022

Amendments tabled up to 9.30am Wednesday, 26 January 2022 and selected for debate

The Bill will be considered in the following order-
Clauses and Long Title

Amendment 1 [Not moved]

Clause 1, Page 1, Line 6

Leave out '2050' and insert '2045'

Ms Clare Bailey

Amendment 2 [Made on division]

Clause 1, Page 1, Line 6

Leave out '82%' and insert '100%'

Ms Clare Bailey

Mr Philip McGuigan

Dr Caoimhe Archibald

Mr Declan McAleer

Amendment 3 [Not called]

Clause 1, Page 1, Line 6

Leave out ‘82% lower than the baseline’ and insert ‘net zero’

Mr John Blair
Mr Andrew Muir
Mr Stewart Dickson

Amendment 4 [Made]

Clause 1, Page 1, Line 6

At end insert -

‘(1A) The Northern Ireland departments must ensure that the net Northern Ireland emissions account for carbon dioxide for the year 2050 is at least 100% lower than the baseline for carbon dioxide.’

Minister of Agriculture, Environment and Rural Affairs

Amendment 5 [Not called]

Clause 1, Page 1, Line 6

At end insert -

‘(1B) The Northern Ireland departments must ensure that the net Northern Ireland emissions account for carbon dioxide for the year 2045 is at least 100% lower than the baseline for carbon dioxide.’

Mr John Blair
Mr Andrew Muir
Mr Stewart Dickson

Amendment 6 [Made on division]

New Clause

After clause 1 insert -

‘Emissions targets for 2030 and 2040

1A.—(1) The Department must set targets for the years 2030 and 2040 that are in line with the overall target for the year 2050.

(2) Proposed targets for the years 2030 and 2040 must be laid before the Assembly within 24 months of this Act receiving Royal Assent and be approved by draft affirmative resolution.’

Mr Philip McGuigan
Dr Caoimhe Archibald
Mr Declan McAleer

Amendment 7 [Not moved]

Clause 2, Page 1, Line 9

Leave out ‘69%’ and insert ‘75%’

Ms Clare Bailey

Amendment 8 [Not moved]

Clause 3, Page 1, Line 12

Leave out ‘48%’ and insert ‘50%’

Ms Clare Bailey

Amendment 9 [Made]

Clause 4, Page 2, Line 1

Leave out paragraphs (a) and (b) and insert -
‘specify—

- (a) for a particular emissions target, an earlier year than that for the time being specified,
- (b) for a particular year, a higher percentage than that for the time being specified.’

Minister of Agriculture, Environment and Rural Affairs

Amendment 10 [Not called]

Clause 4, Page 2, Line 1

Leave out paragraphs (a) and (b) and insert -
‘specify—

- (a) for a particular emissions target, only an earlier year than that for the time being specified,
- (b) for a particular year, only a higher percentage than that for the time being specified.’

Ms Clare Bailey

Miss Rachel Woods

Amendment 11 [Not moved]

New Clause

Before Clause 5 insert -

‘Meaning of “net zero”

4A. In this Act, “net zero” means 100% lower than the baseline.’

Mr John Blair
Mr Andrew Muir
Mr Stewart Dickson

Amendment 12 [Made on division]

Clause 5, Page 2, Line 21

At end insert -

‘(1A) The baseline for carbon dioxide is the amount of net Northern Ireland emissions of carbon dioxide in 1990.’

Minister of Agriculture, Environment and Rural Affairs

Amendment 13 [Made]

Clause 5, Page 2, Line 23

At end insert -

‘or

(b) subsection (1A) so as to specify a different year in relation to carbon dioxide.’

Minister of Agriculture, Environment and Rural Affairs

Amendment 14 [Made on division]

Clause 6, Page 2, Line 36

At end insert -

‘(2) Subsection (1) does not apply in relation to the net Northern Ireland emissions account for carbon dioxide for 2050 (see subsection (3)).

(3) The net Northern Ireland emissions account for carbon dioxide for 2050 is determined as follows

- (a) take the amount of net Northern Ireland emissions of carbon dioxide for 2050 (which is to be determined in accordance with sections 7 and 8),
- (b) deduct the amount of carbon units that are to be credited to the net Northern Ireland emissions account for carbon dioxide for 2050 (in accordance with regulations under section 9), and
- (c) add the amount of carbon units that are to be debited from the net Northern Ireland emissions account for carbon dioxide for 2050 (also in accordance with regulations under section 9).’

Minister of Agriculture, Environment and Rural Affairs

Amendment 15 [Made]

Clause 7, Page 3, Line 19

At end insert -

‘(d) carbon capture use and storage technology.’

*Mr Philip McGuigan
Dr Caoimhe Archibald
Mr Declan McAleer*

Amendment 16 [Made]

Clause 9, Page 4, Line 12

Leave out from ‘may’ to end of line 14 and insert ‘must not specify a reduction in the net Northern Ireland emissions account for a period which is greater than 25% of emissions for that period.’

*Ms Clare Bailey
Miss Rachel Woods*

Amendment 17 [Made]

Clause 9, Page 4, Line 16

At end insert -

‘(5) The regulations may make provision about the crediting of carbon units to, and the debiting of carbon units from, the net Northern Ireland emissions account for carbon dioxide for 2050.

(6) The amount of carbon units that are to be credited to the net Northern Ireland emissions account for carbon dioxide for 2050 must not be greater than—

$$\text{Total credits} \quad \times \quad \frac{\text{CO}_2 \text{ emissions}}{\text{Total emissions}}$$

(7) If—

(a) carbon units are credited to the net Northern Ireland emissions account for carbon dioxide for 2050, and

(b) carbon units are debited from the net Northern Ireland emissions account for 2050,

carbon units must be debited from the net Northern Ireland emissions account for carbon dioxide for 2050; and the amount of carbon units so debited must not be less than—

$$\text{Total debits} \quad \times \quad \frac{\text{CO}_2 \text{ emissions}}{\text{Total emissions}}$$

(8) In subsections (6) and (7)—

“Total credits” is the amount of carbon units that are credited to the net Northern Ireland emissions account for 2050;

“Total debits” is the amount of carbon units that are debited from the net Northern Ireland emissions account for 2050;

“CO2 emissions” is the amount of net Northern Ireland emissions of carbon dioxide for 2050;

“Total emissions” is the aggregate amount of net Northern Ireland emissions of each greenhouse gas for 2050.’

Minister of Agriculture, Environment and Rural Affairs

Amendment 18 [Made]

New Clause

After clause 10 insert -

‘Sectoral plans

Sectoral plans

10A.—(1) The Northern Ireland departments must develop and publish plans for areas of the economy, known as sectoral plans, setting out how the targets in sections 1, 2 and 3 will be achieved by sector.

(2) These must include policies and proposals to ensure the targets set out in sections 1, 2 and 3 are achieved.

(3) Interim sectoral reports must be published in line with the targets set out in sections 1, 2 and 3.

(4) Sectoral plans shall also – support a just transition by—

- (a) supporting the creation of secure green jobs and build pathways into green careers, in partnership with industry and unions, with workers’ rights, health and safety at the centre;
- (b) ensure that workers and communities dependent on the high carbon economy are supported with the transition;
- (c) support the transition to a green economy with net-zero carbon investment and infrastructure; and
- (d) tackle inequality and breakdown barriers of division.

(5) The Department must make arrangements with other Northern Ireland departments to secure co-operation and the submission of information for subsection (1), including the format and detail of the requirement outlined in (3).’

Mr John Blair

Mr Andrew Muir

Mr Stewart Dickson

Amendment 19 [Made on division]

New Clause

After clause 10 insert -

‘Sectoral plans for energy

10B.—(1) The Department for the Economy must develop and publish Sectoral Plans for the Energy sector setting out how the sector will contribute to the achievement of the targets in sections 1, 2 and 3 in accordance with 4A.’

(2) Sectoral Plans for Energy must include policies and proposals for energy production and the supply of private and public heating and cooling systems.’

Mr Stewart Dickson
Mr John Blair
Ms Kellie Armstrong

Amendment 20 [Made on division]

New Clause

After clause 10 insert -

‘Renewable electricity consumption

10C.—(1) The Department for the Economy must ensure that at least 80% of electricity consumption from renewable sources by 2030.’

Mr Stewart Dickson
Mr John Blair
Mr Andrew Muir

Amendment 21 [Made on division]

New Clause

After clause 10 insert -

‘Sectoral plans for infrastructure

10D.—(1) The Department for Infrastructure must develop and publish Sectoral Plans for the Infrastructure sector setting out how the sector will contribute to the achievement of the targets in sections 1, 2 and 3.

(2) Sectoral Plans for Infrastructure must include policies and proposals for planning and construction.’

Mr Andrew Muir
Ms Kellie Armstrong
Mr John Blair

Amendment 22 [Made on division]

New Clause

After clause 10 insert -

‘Sectoral plans for industrial processes

10E. The Department for the Economy must develop and publish Sectoral Plans for the Industrial Processes setting out how the sector will contribute to the achievement of the targets in sections 1, 2 and 3.’

Mr Stewart Dickson
Mr John Blair

Amendment 23 [Made on division]

New Clause

After clause 10 insert -

‘Sectoral plans for waste management

10F.—(1) The Department must ensure that at least 70% of waste is recycled by 2030.

(2) The Department must develop and publish a plan for the waste management sector setting out how the sector will contribute to the achievement of the targets in sections 1, 2 and 3 and in subsection (1) of this section in accordance with 4A.’

Mr John Blair

Mr Andrew Muir

Ms Kellie Armstrong

Amendment 24 [Made on division]

New Clause

After clause 10 insert -

‘Sectoral plan for agriculture

10G.—(1) The Department must develop and publish Sectoral Plans for the Agricultural sector setting out how the sector will contribute to the achievement of the targets in sections 1, 2 and 3 of this Act.

(2) Sectoral Plans for Agriculture must contain proposals for carrying out fully funded carbon audits of farms to assess where performance improvements and savings can be made.’

(3) As part of the carbon auditing process, carbon sequestration measures already being conducted by the sector should be calculated.’

Mr John Blair

Mr Andrew Muir

Ms Kellie Armstrong

Amendment 25 [Made on division]

New Clause

After clause 10 insert -

‘Sectoral plan for fisheries

10H.—(1) The Department must develop and publish Sectoral Plans for the Fisheries sector setting out how the sector will contribute to the achievement of the targets in sections 1, 2 and 3 of this Act.

(2) Sectoral Plans for Fisheries must include policies and proposals for sea fisheries and the inland fisheries industry.’

Mr John Blair
Ms Kellie Armstrong
Mr Stewart Dickson

Amendment 26 [Made on division]

New Clause

After clause 10 insert -

‘Sectoral plans for transport

‘10I.—(1) The Department for Infrastructure must develop and publish Sectoral Plans for the Transport sector setting out how the sector will contribute to the achievement of the targets in sections 1, 2 and 3.

(2) Sectoral Plans for Transport must include policies and proposals for public and private transport.’

Mr Andrew Muir
Mr John Blair
Ms Kellie Armstrong

Amendment 27 [Negatived on division]

New Clause

After clause 10 insert -

‘Land Use Strategy

Duty to produce a land use strategy

10J.—(1) The Department must, within three years from the date on which this Act receives Royal Assent, lay a land use strategy before the before the Assembly

(2) The strategy must, in particular, set out—

- (a) the Department’s objectives in relation to sustainable land use;
- (b) their proposals and policies for meeting those objectives; and
- (c) the timescales over which those proposals and policies are expected to take effect.

(3) The objectives, proposals and policies referred to in subsection (2) must contribute to—

- (a) achievement of the Department’s targets under, clauses 1-3;
- (b) achievement of the Department’s objectives in relation to adaptation to climate change, including those set out in clause 27; and
- (c) sustainable development.

(4) Before laying the strategy before the Assembly, the Department must publish a draft strategy and consult with such bodies as they consider appropriate and also with the general public.

(5) The strategy must be accompanied by a report setting out—

- (a) the consultation process undertaken in order to comply with subsection (4); and
- (b) the ways in which views expressed during that process have been taken account of in finalising the strategy (or stating that no account has been taken of such views).

(6) The Department must, no later than—

- (a) 5 years after laying a strategy before the Assembly under subsection (1); and
- (b) the end of every subsequent period of 5 years,

lay a revised strategy before the Assembly; and subsections (2) to (5) apply to a revised strategy as they apply to a strategy laid under subsection (1).'

Mr John Blair
Mr Andrew Muir
Ms Kellie Armstrong

Amendment 28 [Made]

New Clause

After clause 10 insert -

‘Active travel

10K. The Department for infrastructure must develop sectoral plans for transport which sets a minimum spend on active travel from the overall transport budgets of 10%.’

Mr Andrew Muir
Mr John Blair
Mr Stewart Dickson

Amendment 29 [Made on division]

Clause 11, Page 5, Line 6

At end insert -

‘(1A) The Department must—

- (a) carry out a public consultation lasting at least 16 weeks on proposed carbon budgets,
- (b) also consult with the Climate Change Commissioner (as outlined in Section 28A), the other Departments and the Just Transition Commission (as outlined in Section 16B) and lay the proposals with the Assembly.

(1B) Proposed carbon budgets must be approved by the Assembly by draft affirmative resolution.’

Mr Philip McGuigan
Dr Caoimhe Archibald
Mr Declan McAleer

Amendment 30 [Made on division]

Clause 11, Page 5, Line 6

At end insert -

‘(1C) When seeking advice on setting the carbon budget, or on other environmental issues, the Department is to give due regard to the expertise and advice of any of the following bodies—

- (a) The United Kingdom Committee on Climate Change;
- (b) The Republic of Ireland Climate Advisory Council;
- (c) The Intergovernmental Panel on Climate Change.’

*Mr Philip McGuigan
Dr Caoimhe Archibald
Mr Declan McAleer*

Amendment 31 [Made]

Clause 13, Page 5, Line 24

Leave out ‘target’ and insert ‘targets’

Minister of Agriculture, Environment and Rural Affairs

Amendment 32 [Made on division]

New Clause

After clause 13 insert -

‘Setting of carbon budgets: Social, environmental and economic factors

13A.—(1) In this Act, when setting targets the Department must take account of;—

- (a) the objective of not exceeding a fair and safe emissions budget,
- (b) European and international law and policy relating to climate change (including the United Nations Framework Convention on Climate Change and protocols to that Convention),
- (c) scientific knowledge about climate change,
- (d) technology relevant to climate change,
- (e) economic circumstances, in particular the likely impact of the target on—
 - (i) the economy,
 - (ii) the competitiveness of particular sectors of the economy,
 - (iii) small and medium-sized enterprises,
 - (iv) jobs and employment opportunities,
- (f) fiscal circumstances, in particular the likely impact of the target on taxation, public spending and public borrowing,
- (g) social circumstances, in particular the likely impact of the target on those living in poorer or deprived communities,
- (h) the likely impact of the target on public health,

- (i) the likely impact of the target on those living in remote rural communities and island communities,
- (j) energy policy, in particular the likely impact of the target on energy supplies, the renewable energy sector and the carbon and energy intensity of the economy,
- (k) environmental considerations and, in particular, the likely impact of the target on biodiversity,
- (l) the likely impact of the target on the achievement of sustainable development, including the achievement of the United Nations sustainable development goals,
- (m) current international carbon reporting practice,
- (n) the special economic and social role of agriculture, including with regard to the distinct characteristics of biogenic methane,
- (o) the risk of substantial and unreasonable carbon leakage,

(2) In this section, “carbon leakage” means the transfer, due to climate policies, of production to other countries with less restrictive policies with regard to greenhouse gas emissions.’

Mr Philip McGuigan
Dr Caoimhe Archibald
Mr Declan McAleer

Amendment 33 [Made on division]

Clause 15, Page 6, Line 24

At end insert -

‘(c) the Climate Commissioner.’

Mr Philip McGuigan
Dr Caoimhe Archibald
Mr Declan McAleer

Amendment 34 [Negatived on division]

New Clause

After clause 15 insert -

‘Nitrogen balance sheets

15A.—(1) The Department must, no later than 18 months after this act receives Royal Assent, create a balance sheet to quantify all major nitrogen flows across all sectors in Northern Ireland, including its coastal waters, the atmosphere and soil and flows across these boundaries, to be known as a “nitrogen balance sheet” for the purpose mentioned in subsection (2).

(2) The purpose of a nitrogen balance sheet is to record how nitrogen use efficiency contributes to achieving the targets in this Act.

(3) In this Act, “nitrogen use efficiency” is the ratio of nitrogen removed from the environment compared to the total nitrogen added to the environment and is calculated having regard to sources of nitrogen pollution including—

- (a) agriculture, food production and waste;

- (b) transport; and
 - (c) energy.
- (4) The Department must by regulations make provision for;
- (a) a baseline figure for nitrogen use efficiency,
 - (b) how nitrogen use efficiency is to be calculated,
 - (c) the timescale in which the nitrogen balance sheet is to be reviewed,
 - (d) monitoring and reporting upon the nitrogen balance sheet,
 - (e) such other matters as they consider appropriate.
- (5) Before laying the draft regulations under subsection (4), the department must—
- (a) Take into account the transboundary nature of nitrogen flows;
 - (b) Consult with such other persons as the Department considers appropriate.’

Ms Clare Bailey
Miss Rachel Woods

Amendment 35 [Made on division]

Clause 16, Page 6, Line 37

At end insert -

‘(2A) When developing policies each Department must ensure they are consistent with the targets set out in the carbon budget.’

Mr Philip McGuigan
Dr Caoimhe Archibald
Mr Declan McAleer

Amendment 36 [Made on division]

Clause 16, Page 6, Line 38

Before 'Each Northern' insert ‘Having consulted with the relevant sector-specific advisory groups,’

Mr Philip McGuigan
Dr Caoimhe Archibald
Mr Declan McAleer

Amendment 37 [Made on division]

Clause 16 , Page 7, Line 7

At end insert -

‘(6) The Department must publish the report for public consultation for a period of not less than 12 weeks ending on a period which is not less than 10 working days before that report is laid before the Assembly.

(7) The Department must lay the results of the public consultation in subsection (6) before the Assembly at the same time as it lays the report.’

Ms Clare Bailey
Miss Rachel Woods

Amendment 38 [Made, as amended]

New Clause

After clause 16 insert -

‘Requirements for proposals and policies under section 16

16A.—(1) In deciding its proposals and policies for the purposes of section 16, each Northern Ireland department must—

- (a) have regard to the desirability of co-ordinating those proposals and policies with corresponding proposals and 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 proposals and policies for the purposes of section 16, each Northern Ireland department must also have regard to—

- (a) the just transition principle (see subsection (3)), and
- (b) the desirability of using and supporting nature-based projects (see subsection (4)), whether alone or together with other types of action.

(3) 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 environmentally and socially sustainable jobs,
- (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, and
- (h) reducing poverty and inequality.

(4) “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.

(5) 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).

(6) Each report under section 16 must explain how the proposals and policies set out in the report take account of the just transition principle.

(7) Each report under section 16 must include an assessment by the Department of the effect of the proposals and policies set out in the report on small businesses.

(8) In subsection (7), “small business” means a business that employs fewer than 50 persons.

(9) The Department may by regulations amend subsection (3) or (8).

(10) Regulations that amend subsection (8) 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 39 [Made on division]

As an amendment to Amendment 38

Subsection (3)(a) -

Leave out ‘environmentally and socially sustainable jobs’ and insert ‘jobs and growth of jobs that are climate resilient, environmentally and socially sustainable’

*Ms Clare Bailey
Miss Rachel Woods*

Amendment 40 [Negatived]

As an amendment to Amendment 38

Subsection (3)(d) -

Leave out ‘non-governmental organisations and representatives of the interests of business and industry’ and insert ‘and non-governmental organisations’

*Ms Clare Bailey
Miss Rachel Woods*

Amendment 41 [Made]

As an amendment to Amendment 38

Subsection (3)(h) -

Leave out subsection (3)(h) and insert—

(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;
- (k) taking into account the future generations principle;

(3A) In this section—

- (a) “climate resilient” means the ability of social, economic and environmental systems to adapt to the effects of climate change; and
- (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) the “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.

(3B) The Department must establish a scheme known as the “Just Transition Fund for Agriculture” to provide financial assistance and advice to the agricultural sector to deliver its contribution under proposals and policies for the purposes of section 16.’

Ms Clare Bailey
Miss Rachel Woods

Amendment 42 [Not called]

As an amendment to Amendment 38

Subsection (3)(h)—

After ‘reducing’ insert ‘with a view to eradicating’.

Mr Philip McGuigan
Dr Caoimhe Archibald
Mr Declan McAleer

Amendment 43 [Not called]

New Clause

After clause 16 insert -

‘Just Transition Principles

16B.—(1) In deciding its proposals and policies for the purposes of section 16, each Northern Ireland department must have regard to the following principles which will be known in this Act as the “Just Transition Principles”—

- (a) support jobs and growth of jobs that are climate resilient, environmentally and socially sustainable;
- (b) support net-zero carbon investment and infrastructure;
- (c) engage with workers and representatives of trade unions, communities, non-governmental organisations;
- (d) create work which is high-value, fair and sustainable;

- (e) reduce inequality as far as possible;
- (f) ensure that gender inequality is eliminated and advance equality of opportunity between men and women;
- (g) reduce, with a view to eliminating, poverty and social deprivation;
- (h) support the social and economic needs of people in rural areas;
- (i) take into account the future generations principle; and
- (j) achieve the proposals set out in the sectoral plans within a timeframe which shall be specified in the sectoral plans.

(2) In this Act—

- (a) “climate resilient” means the ability of social, economic and environmental systems to adapt to the effects of climate change (and “climate resilience” is defined accordingly);
- (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; and
- (c) the “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.’

Ms Clare Bailey

Amendment 44 [Made]

New Clause

After clause 16 insert -

‘Just Transition Fund for Agriculture

16C. The Department must establish a scheme known as the “Just Transition Fund for Agriculture” to provide financial assistance and advice to the agricultural sector to deliver its contribution under proposals and policies for the purposes of section 16.’

Ms Clare Bailey

Amendment 45 [Made on division]

New Clause

After clause 16 insert -

‘Policies and proposals: targets

16D.—(1) Policies and proposals under section 16 shall contain targets to be achieved during the relevant budgetary period in the following areas—

- (a) soil quality; and
- (b) biodiversity

but these targets are subject to subsection (2) of this section.

(2) Targets under subsection (1) must be set in a way best calculated to achieve the relevant carbon budget after taking the following matters into account—

- (a) international law, including, in particular, the UNFCCC;

- (b) the impact of such targets on the environment of Northern Ireland;
- (c) the impact of such targets on public health and well-being;
- (d) the impact of such targets on fiscal, economic and social circumstances specific to Northern Ireland;
- (e) the just transition principles.
- (f) the transboundary impact. ’

Ms Clare Bailey
Miss Rachel Woods

Amendment 46 [Made on division]

New Clause

After clause 16 insert -

‘Policies and proposals: further provision

16E.—(1) Policies and proposals under section 16 must ensure that the relevant carbon budget is achieved in the following sectors—

- (a) energy production and supply (including for residential, public and district heating and cooling purposes);
- (b) transport (including shipping and aviation);
- (c) infrastructure (including infrastructure for electric vehicular transport);
- (d) business and industrial processes;
- (e) residential and public (in relation to buildings in these sectors);
- (f) waste management;
- (g) agriculture;
- (h) land use and land-use change, including forestry;
- (i) fisheries; and
- (j) the provision of financial assistance to any person in connection with:
 - (i) the promotion of economic development in Northern Ireland or any part of Northern Ireland; and
 - (ii) the provision of infrastructure, goods or services in Northern Ireland or any part of Northern Ireland;

provided that, when setting out policies and proposals in respect of energy production and supply, the advices and recommendations of the SEM Committee in relation to the exercise of its functions under Article 6(2) of the Electricity (Single Wholesale Market) (Northern Ireland) Order 2007 (No. 913 (N.I. 7)) must be obtained and must be taken into account.’

Ms Clare Bailey
Miss Rachel Woods

Amendment 47 [Made on division]

New Clause

After clause 16 insert -

‘Policies and proposals: nature based solutions

16F. Policies and proposals under section 16 shall as far as is practicable, support nature based projects that enhance biodiversity; protect and restore ecosystems; and seek to reduce, or increase the removal of, greenhouse gas emissions or support climate resilience.’

Ms Clare Bailey

Miss Rachel Woods

Amendment 48 [Made on division]

New Clause

After clause 16 insert -

‘Policies and proposals: impact on small businesses

16G. Policies and proposals under section 16 must —

- (a) explain how the proposals set out in the plans are expected to impact on the workforce, employers, including but not limited to small and micro businesses, and communities; and
- (b) set out proposals for supporting the workforce, employers, including but not limited to small and micro businesses, and communities.
- (c) “Small and micro businesses” means businesses with less than with less than 50 employees.’

Ms Clare Bailey

Miss Rachel Woods

Amendment 49 [Made]

New Clause

After clause 16 insert -

‘Policies and proposals: carbon leakage

16H.—(1) In setting out the policies and proposals under section 16, the department must take into account the risk of substantial or unreasonable carbon leakage in pursuit of the targets at sections 1 to 3 in this act and the desirability of eliminating such risk.

(2) “Carbon leakage” means the transfer, as a consequence of the implementation of sectoral plans, of the production of goods (including agricultural goods) and the provision of services to countries with policies of a description specified in subsection (3) of this section.

(3) The policies relate to greenhouse gas emissions which, when assessed against the targets at sections 1 to 3 in this act, would not achieve those targets.’

Ms Clare Bailey

Miss Rachel Woods

Amendment 50 [Negatived]

New Clause

After clause 16 insert -

‘Just Transition adviser

16I.—(1) The Executive Office shall appoint a person, persons or body to provide advice and constructive challenge to Northern Ireland departments and public bodies in respect of duly applying the Just Transition Principles (see section 16B) across the plans, policies, services and budgets of departments and the Executive at large, on a whole of government basis which recognises that just transition to a low and zero carbon economy will entail whole of society inputs and impacts.

(2) In this section, references to a "just transition adviser/appraiser" are to any such body or person.

(3) The just transition adviser/appraiser shall

- (a) provide advice for the Executive in respect of the requirements for a whole of government commitment to ensure that the just transition principles are duly reflected in the plans, policies, delivery programmes and budgets of all public bodies in Northern Ireland as well as in the Programme for Government;
- (b) provide advice to the Department of Finance on a Just Transition Fund or Funds which might support sectors of the economy and sections of the community through some of the costs and challenges of moving towards and achieving carbon neutral targets;
- (c) provide advice and constructive challenge to departments and public bodies in respect of the serious and sustained commitments needed across government to achieve adherence to just transition principles;
- (d) report on how just transition principles are being supported in practice, appraising the qualitative contribution of public bodies and recognising both performance and pressures in respective sectors;
- (e) offer advice on cooperation and coordination with other administrations (including via the NSMC and BIC) to support fulfilment of a just transition;
- (f) to facilitate and inform the Assembly's scrutiny of just transition plans, funding and frameworks and oversight of strategic performance and progress, in particular by direct and ongoing engagement with an Assembly Committee designated to oversee progress across government in respect of a just transition as an essential dimension of delivering on the climate action targets and duties of this Act.

(4) The Executive Office may consult such persons as it considers appropriate on—

- (a) whether this role would best be assigned to a person, persons or a body;
- (b) how the adviser/appraiser should engage with respective departments and public bodies;
- (c) the status of a just transition adviser/appraiser (and, in the case of a body, its membership);
- (d) how the just transition adviser/appraiser might show particular consideration for views from the Equality Commission, Human Rights Commission and other commissions or commissioners in respect of particular rights, needs and interests;
- (e) the staff and resources that should be made available to such an office.

(5) The Executive Office must prepare a report on the consultation and—

- (a) lay the report before the Assembly, and
- (b) publish it in such manner as the Office considers appropriate, and
- (c) give particular consideration to the views of an Assembly Committee designated to oversee whole of government preparations and performance in respect of both a full response to the

climate emergency and ensuring a just transition to a climate resilient and carbon neutral economy.

(6) The Executive Office must make the first appointment(s) under this section no later than 18 months after the day on which this Act receives Royal Assent.’

Mr Patsy McGlone

Amendment 51 [Negatived]

New Clause

After clause 16 insert -

‘Co-ordination

16J.—(1) In deciding its proposals and policies for the purposes of section 16, each Northern Ireland department must—

- (a) have regard to the desirability of co-ordinating those proposals and policies corresponding to corresponding proposals and policies in other parts of the United Kingdom, in the Republic of Ireland or elsewhere;
- (b) engage constructively through the processes, relevant formats or related bodies of the North-South Ministerial Council, the British-Irish Council and other opportunities for structured cooperation in connection with meeting challenges from the climate emergency;
- (c) 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, the climate change emergency).

(2) In deciding its proposals and policies

- (a) for the purposes of section 16;
- (b) in pursuit of wider and longer-term Executive/Programme for Government commitments on climate action;
- (c) to contribute to Northern Ireland's adherence to international targets and obligations to respond to the climate change emergency;
- (d) to advance such priorities and purposes through the North-South Ministerial Council, British-Irish Council and other arrangements for structured cooperation on climate action, each Northern Ireland department must also consult with the body established, or person appointed, under section 28F(1) in regard to—
 - (i) such policies and proposals, and
 - (ii) the level of funding and other resources to be committed to their attainment for the purposes of section 16.’

Mr Patsy McGlone

Amendment 52 [Not called]

New Clause

After clause 16 insert -

‘Just Transition principle

16K.—(1) In deciding its proposals and policies—

- (a) for the purposes of section 16;
- (b) in pursuit of wider and longer-term Executive/Programme for Government commitments on climate action;
- (c) to contribute to Northern Ireland's adherence to international targets and obligations to respond to the climate change emergency;
- (d) to advance such priorities and purposes through the North-South Ministerial Council, British-Irish Council and other arrangements for structured cooperation on climate action, each Northern Ireland department must have regard to—
 - (i) the just transition principle (see subsection (2)) and
 - (ii) the desirability of using and supporting nature-based projects (see subsection (3)), whether alone or with other types of action.

(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 environmentally and socially sustainable jobs,
- (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, and
- (h) reducing poverty and inequality, including by avoiding their exacerbation as a result of transitional adjustments which are not accompanied by duly targeted measures of social support and mitigation.

(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) The duty under subsection (1) is in addition to, and does not limit, the duty under section 25 of the Northern Ireland (Miscellaneous Provisions) Act 2006 (sustainable development).

(5) Each report under section 16 must explain how the proposals and policies set out in the report take account of the just transition principle.

(6) Each report under section 16 must include an assessment by the Department of the effect of the proposals and policies set out in the report on small businesses.

(7) In subsection (6), “small business” means a business that employs fewer than 50 persons.

(8) The Department may by regulations amend subsection (2) or (7).

(9) Regulations that amend subsection (8) 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 Patsy McGlone

Amendment 53 [Made]

New Clause

After clause 16 insert -

‘Just Transition Commission

16L.—(1) The Department must establish a Just Transition Commission to—

- (a) oversee the implementation of the Just Transition elements of this Act, and
- (b) provide advice to departments on how to ensure their proposals, strategies, plans and policies comply with Just Transition principles.

(2) The Commission will comprise of representatives from, but not limited to, the agricultural sector, the fisheries sector, academia, trade unions, youth groups, civic society and environmental groups.’

Mr Philip McGuigan

Dr Caoimhe Archibald

Mr Declan McAleer

Amendment 54 [Not called]

New Clause

After clause 16 insert -

‘Just Transition Fund for Agriculture

16M.—(1) The Department must bring forward regulations to establish a fund, known as the “Just Transition Fund for Agriculture” 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

Dr Caoimhe Archibald

Mr Declan McAleer

Amendment 55 [Made]

Clause 20, Page 9, Line 19

At end insert -

‘(4A) The statement for 2050 must also state—

- (a) the total amount of carbon units (if any) that have been credited to or debited from the net Northern Ireland emissions account for carbon dioxide for that year, and
- (b) the amount of the net Northern Ireland emissions account for carbon dioxide for that year.’

Minister of Agriculture, Environment and Rural Affairs

Amendment 56 [Made]

Clause 20, Page 9, Line 20

After ‘target’ insert ‘(or targets)’

Minister of Agriculture, Environment and Rural Affairs

Amendment 57 [Made]

Clause 20, Page 9, Line 20

After ‘has’ insert ‘(or have)’

Minister of Agriculture, Environment and Rural Affairs

Amendment 58 [Made]

Clause 20, Page 9, Line 22

After ‘target’ insert ‘(or each of the targets) for the year’

Minister of Agriculture, Environment and Rural Affairs

Amendment 59 [Made]

Clause 20, Page 9, Line 24

After ‘target’ insert ‘(or each of the targets)’

Minister of Agriculture, Environment and Rural Affairs

Amendment 60 [Negatived on division]

New Clause

After clause 20 insert -

‘Public sector climate duty

21A.—(1) A public authority must, when carrying out its functions, act consistently with the targets at sections 1 to 3 of this Act.

(2) When acting consistently with the targets at sections 1 to 3, a public authority must—

- (a) act consistently with the relevant report under section 16;
- (b) act in a way that will deliver any NI adaptation plan produced under section 60 of the Climate Change Act 2008;
- (c) act consistently with guidance published for the purposes of this duty;
- (d) within 12 months of a relevant report under section 16 being published, make and publish a policy setting out how that public authority will act consistently with the targets of sections 1 to 3 of this Act and the relevant report.

(3) A public authority must produce biannual reports on compliance with the public sector climate duty.

(4) “Public authority” means any authority listed in schedule 3 to the Public Services Ombudsman Act (Northern Ireland) 2016.’

Ms Clare Bailey
Miss Rachel Woods

Amendment 61 [Made]

Clause 21, Page 9, Line 33

Leave out ‘may by regulations’ and insert ‘must make regulations that’

Minister of Agriculture, Environment and Rural Affairs

Amendment 62 [Made]

Clause 21, Page 10, Line 18

At end insert -

- ‘(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.’

Minister of Agriculture, Environment and Rural Affairs

Amendment 63 [Made]

Clause 21, Page 10, Line 30

At end insert -

‘(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.’

Minister of Agriculture, Environment and Rural Affairs

Amendment 64 [Made]

Clause 24, Page 11, Line 27

Leave out ‘either’ and insert ‘any’

Minister of Agriculture, Environment and Rural Affairs

Amendment 65 [Made]

Clause 25, Page 11, Line 36

Leave out ‘target for 2050 is the highest achievable target’ and insert ‘targets for 2050 are the highest achievable targets’

Minister of Agriculture, Environment and Rural Affairs

Amendment 66 [Made]

Clause 25, Page 11, Line 37

Leave out ‘not’ and insert ‘either of them is not the highest achievable target’

Minister of Agriculture, Environment and Rural Affairs

Amendment 67 [Negatived on division]

New Clause

After clause 28 insert -

‘CHAPTER 2

CONSULTATION ON FURTHER OVERSIGHT

Consultation on Northern Ireland based oversight

28A.—(1) The Department must consult such persons as it considers appropriate as to whether a body should be established, or a person should be appointed, to exercise in Northern Ireland functions that relate to the making of policy, and taking of action, by public bodies in relation to climate change.

- (2) In this section, references to a “climate adviser” are to any such body or person.
- (3) The consultation must include consultation as to the functions that a climate adviser should exercise, including in particular consultation as to whether the adviser should—
- (a) provide advice or make recommendations to public bodies in connection with adaptation to, and the mitigation of the effects of, climate change in Northern Ireland;
 - (b) report on—
 - (i) the operation of this Act,
 - (ii) the exercise of functions under it, or
 - (iii) the outcome of the exercise (or the failure to exercise) such functions.
- (4) The consultation must also include consultation as to—
- (a) how a climate adviser should, in the exercise of its functions, co-operate with other public bodies that exercise functions that relate to climate change or the environment;
 - (b) the status of a climate adviser (and, in the case of a body, its membership);
 - (c) the staff and resources that should be made available to a climate adviser;
 - (d) whether the establishment or appointment of a climate adviser would be an effective and efficient use of resources in connection with adaptation to, and the mitigation of the effects of, climate change in Northern Ireland.
- (5) The consultation must also include consultation as to whether—
- (a) an office for any of the staff of the Committee on Climate Change should be located in Northern Ireland;
 - (b) what functions of the Committee should be exercised by any staff based at such an office.
- (6) The Department must prepare a report on the consultation and—
- (a) lay the report before the Assembly, and
 - (b) publish it in such manner as the Department considers appropriate.
- (7) The Department must lay and publish the report under subsection (6) before the end of the period of 2 years beginning with the day on which this Act receives Royal Assent.’

Minister of Agriculture, Environment and Rural Affairs

Amendment 68 [Negatived on division]

New Clause

After clause 28 insert -

‘Northern Ireland-based oversight

28B. The Northern Ireland Executive must establish an Independent Office of Climate Change and Environmental Protection by 2025.’

Mr John Blair
Mr Andrew Muir
Mr Stewart Dickson

Amendment 69 [Made on division]

New Clause

After clause 28 insert -

‘PART 4A

FURTHER OVERSIGHT

Northern Ireland Climate Commissioner

28C.—(1) Within 24 months of this Act receiving Royal Assent, the Executive Office must establish an independent Northern Ireland Climate Commissioner to provide oversight of and reporting on the operations of this Act.’

Ms Clare Bailey
Miss Rachel Woods

Amendment 70 [Negatived]

New Clause

After clause 28 insert -

‘CHAPTER 2

OVERSIGHT: CLIMATE ACTION PLANS, OFFICE AND COMMISSIONER

Climate Action Plans

28D. The Department must lay before the Assembly a plan, known as a climate action plan within one year of the day on which this Royal Assent receives Royal Assent and each subsequent year to the target year set out in section 1.’

Mr Gerry Carroll

Amendment 71 [Not called]

New Clause

After clause 28 insert -

‘Climate Office and Climate Commissioner

28E.—(1) Within 2 years, the Department must bring forward regulations to establish a Climate Office and Climate Commissioner.

- (2) The functions of the Climate Office and Climate Commissioner will be to-
- (a) oversee the implementation of this Act,
 - (b) to report on the targets in section 1 and any interim targets every 2 years.
 - (c) to provide advice to departments in meeting its obligations under this Act.’

Mr Gerry Carroll

Amendment 72 [Not called]

New Clause

After clause 28 insert -

‘Climate Adviser

28F.—(1) The Department shall appoint a climate action adviser to exercise functions that relate to the making of policy and taking of action across government and by public bodies in relation to meeting the challenges of the climate change emergency.

(2) In this section "climate adviser" shall be such person, persons or body designated to-

- (a) provide advice or make recommendations to public bodies in connection with adaptation to, and mitigation of the effects of, climate change in Northern Ireland;
- (b) reflect international obligations, targets and good practice standards in respect of the duty across the whole of government to address and arrest climate change;
- (c) report on-
 - (i) the operation of this Act
 - (ii) the exercise of functions under it, and
 - (iii) the outcome of the exercise (or the failure to exercise) such functions—

by the Department, other Northern Ireland departments and public bodies, taking account of the contribution and performance by respective sectors to adaptation to and mitigation of climate change.

(3) The first such appointment shall be made no later than one year after the day on which this Act receives Royal Assent, following consultations, in line with subsections (4) and (5) with such persons as the Department considers appropriate;

(4) The consultation must also include consultation as to—

- (a) how a climate adviser should, in the exercise of its functions, co-operate with other public bodies that exercise functions that relate to climate change or the environment;
- (b) the status of a climate adviser (and, in the case of a body, its membership);
- (c) the staff and resources that should be made available to a climate adviser;

(5) The consultation must also include consultation as to whether—

- (a) an office for any of the staff of the Committee on Climate Change should be located in Northern Ireland;
- (b) what functions of the Committee should be exercised by any staff based at such an office.

(6) The Department must prepare a report on the consultation and—

- (a) lay the report before the Assembly,
- (b) publish it in such manner as the Department considers appropriate, and
- (c) in particular, invite the views of an Assembly Committee designated to oversee and review whole of government policy planning and performance of duties in respect of climate change (and Just Transition Principles).’

Mr Patsy McGlone

Amendment 73 [Not called]

New Clause

After clause 28 insert -

‘CHAPTER 2

OVERSIGHT: CLIMATE OFFICE AND CLIMATE COMMISSIONER

Climate Office and Climate Commissioner

28G.—(1) Within 2 years, the Department must bring forward regulations to establish a Climate Office and Climate Commissioner.

(2) The functions of the Climate Office and Climate Commissioner will be to—

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

Mr Philip McGuigan
Dr Caoimhe Archibald
Mr Declan McAleer

Amendment 74 [Made on division]

New Clause

After clause 28 insert -

CHAPTER 2

OVERSIGHT’

Climate action plan

28H.—(1) The Department must lay before the Assembly and publish a plan, known as the climate action plan, within 3 years from the day on which this Act receives Royal Assent.

(2) Before laying each plan before the Assembly, the Department must carry out a public consultation on the draft climate action plan, including consultation with sector-specific advisory groups, lasting at least 16 weeks.

(3) Subsequent plans must be published within 5 years from the date on which the previous plan was laid before the Assembly.

(4) The climate action plan must set out how interim targets and the overall target of net zero will be achieved by the year 2050.

(5) Climate action plans must be climate resilient and support an environmentally sustainable economy.

(6) The plans must include annual targets on—

- (a) Greenhouse gas emissions, and

(b) Air quality.

(7) “climate resilient” means the ability to minimise, mitigate or remedy the effects of climate change.’

*Mr Philip McGuigan
Dr Caoimhe Archibald
Mr Declan McAleer*

Amendment 75 [Made]

Clause 29, Page 12, Line 33

After ‘amount’ insert ‘and that the net Northern Ireland emissions account for carbon dioxide for 2050 is below a certain amount’

Minister of Agriculture, Environment and Rural Affairs

Amendment 76 [Made on division]

Clause 29, Page 13, Line 3

At end insert -

‘(d) Departments should, as far as reasonably practicable, align such plans, policies and strategies to those of the Republic of Ireland.’

*Mr Philip McGuigan
Dr Caoimhe Archibald
Mr Declan McAleer*

Amendment 77 [Negatived on division]

Clause 30, Page 13, Line 18

After ‘7(4)’ insert ‘, 16A(9)’

Minister of Agriculture, Environment and Rural Affairs

Amendment 78 [Made on division]

Clause 31, Page 14, Line 3

At end insert -

‘(d) The views of the Climate Commissioner and the Just Transition Commission.’

*Mr Philip McGuigan
Dr Caoimhe Archibald
Mr Declan McAleer*

Amendment 79 [Negatived on division]

Clause 33, Page 14, Line 20

After ‘made’ insert ‘under section 16A(9) (meaning of “just transition principle” and “small business”) or’

Minister of Agriculture, Environment and Rural Affairs

Amendment 80 [Made on division]

New Clause

After clause 38 insert -

‘Definitions

38A. In this Act 'sector' or 'sectors' refers to one or all of the following

- (1) energy production and supply (including for residential, public and district heating and cooling purposes);
- (2) transport (including shipping and aviation);
- (3) infrastructure (including infrastructure for electric vehicular transport);
- (4) business and industrial processes;
- (5) residential and public (in relation to buildings in these sectors);
- (6) waste management;
- (7) land use and land-use change, including forestry;
- (8) agriculture; and
- (9) the provision of financial assistance to any person in connection with—
 - (a) the promotion of economic development in Northern Ireland or any part of Northern Ireland; and
 - (b) the provision of infrastructure, goods or services in Northern Ireland or any part of Northern Ireland’

*Mr Philip McGuigan
Dr Caoimhe Archibald
Mr Declan McAleer*