

Climate Change (No. 2) Bill

[AS INTRODUCED]

LEGISLATIVE COMPETENCE

At Introduction the Minister of Agriculture, Environment and Rural Affairs had made the following statement under section 9 of the Northern Ireland Act 1998:

“In my view the Climate Change (No. 2) Bill would be within the legislative competence of the Northern Ireland Assembly.”

SECRETARY OF STATE’S CONSENT

The Secretary of State has consented under section 8 of the Northern Ireland Act 1998 to the Assembly considering this Bill.

Climate Change (No. 2) Bill

[AS INTRODUCED]

CONTENTS

PART 1

EMISSIONS TARGETS

The emissions targets

1. The emissions target for 2050
2. The emissions target for 2040
3. The emissions target for 2030

Power to amend targets

4. Power to amend emission targets

Meaning of key concepts

5. Meaning of “baseline”
6. Meaning of “net Northern Ireland emissions account” for a year

Meaning of underlying concepts

7. Meaning of “net Northern Ireland emissions”
8. Meaning of “Northern Ireland emissions”: international aviation and shipping
9. Crediting and debiting of carbon units
10. Carbon units: accounting scheme

PART 2

CARBON BUDGETS

11. Carbon budgets
12. Emissions not to exceed carbon budget
13. Setting of carbon budgets: principles
14. Setting of carbon budgets: timing
15. Carrying amounts from one budgetary period to another

PART 3

REPORTS AND STATEMENTS AGAINST TARGETS AND BUDGETS ETC

Carbon budgets

16. Proposals and policies for meeting carbon budget
17. Interim progress reporting for budgetary period
18. Final statement for budgetary period
19. Proposals and policies where carbon budget not met

Emissions targets

20. Statements on compliance with emissions targets

Climate Change (No. 2)

Other reports

21. Climate change reporting by public bodies

PART 4

REPORTS BY COMMITTEE ON CLIMATE CHANGE

22. Progress report during first budgetary period
23. Progress reports after statement about each budgetary period
24. Progress report after statement about emissions target for 2030
25. Progress report after statement about emissions target for 2040
26. Response to progress reports
27. Adaptation programme reports
28. Response to adaptation programme reports

PART 5

SUPPLEMENTARY

Duties in relation to emissions

29. Duties to ensure that targets etc are met

Regulation-making powers: general

30. Regulations: general

Regulation-making powers: restrictions and considerations

31. Regulations that amend or add an emissions target or amend a carbon budget
32. Regulations that specify a different baseline year or change a budgetary period

Regulation-making powers: advice

33. Requirement to obtain advice about proposals to make regulations
34. Advice about proposed regulations relating to targets
35. Advice about proposed regulations relating to budgets

Definitions

36. Meaning of “carbon unit”
37. Meaning of “greenhouse gas”
38. Meaning and measurement of emissions
39. Other definitions

General

40. Commencement
41. Short title

A

BILL

TO

Set targets for the years 2050, 2040 and 2030 for the reduction of greenhouse gas emissions; to provide for a system of carbon budgeting; to provide for reporting and statements against those targets and budgets; to confer power to impose climate change reporting duties on public bodies; to provide for reports and advice from the Committee on Climate Change; and for connected purposes.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

PART 1

EMISSIONS TARGETS

The emissions targets

The emissions target for 2050

- 5 **1.** The Northern Ireland departments must ensure that the net Northern Ireland emissions account for the year 2050 is at least 82% lower than the baseline.

The emissions target for 2040

- 2.** The Northern Ireland departments must ensure that the net Northern Ireland emissions account for the year 2040 is at least 69% lower than the baseline.

10 **The emissions target for 2030**

- 3.** The Northern Ireland departments must ensure that the net Northern Ireland emissions account for the year 2030 is at least 48% lower than the baseline.

Power to amend targets

Power to amend emission targets

- 15 **4.—(1)** The Department may by regulations amend section 1, 2 or 3 so as to—

- (a) specify a different year for a particular emissions target;
- (b) specify a different percentage for a particular year.

(2) The Department may by regulations amend this Part so as to impose a duty on the Northern Ireland departments to ensure that the net Northern Ireland emissions account for a specified year is at least a specified percentage lower than the baseline.

(3) See section 31 for restrictions on the powers conferred by subsections (1) and (2).

Meaning of key concepts

10 **Meaning of “baseline”**

5 **5.**—(1) 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
Hydroflourocarbons	1995
Perflourocarbons	1995
Sulphur hexaflouride	1995
Nitrogen triflouride	1995

(2) The Department may by regulations amend the table in subsection (1) so as to specify a different year in relation to a greenhouse gas.

(3) See section 32 for restrictions on the power conferred by subsection (2).

25 **Meaning of “net Northern Ireland emissions account” for a year**

6. The net Northern Ireland emissions account for a year is determined as follows—

- (a) take the aggregate amount of net Northern Ireland emissions of each greenhouse gas for that year (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 that year (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 that year (also in accordance with regulations under section 9).

*Meaning of underlying concepts***Meaning of “net Northern Ireland emissions”**

7.—(1) The amount of net Northern Ireland emissions of a greenhouse gas for a period is—

- 5 (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)).

10 (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 8).

15 (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; and
(c) forestry activities in Northern Ireland.

20 (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 (see section 39).

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

8.—(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.

30 (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
35 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
40 international aviation or international shipping are to be taken into account in determining Northern Ireland emissions of that gas for the year specified in section 5(1) in relation to it.

Crediting and debiting of carbon units

9.—(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;
- 5 (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.

Section 36 explains what a “carbon unit” is.

10 (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 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).

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

Carbon units: accounting scheme

10.—(1) The Department may by regulations make provision for a scheme—

- (a) for registering or otherwise keeping track of carbon units, or
- 20 (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—

- 25 (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;
- 30 (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;
- 35 (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.

PART 2

CARBON BUDGETS

Carbon budgets

5 **11.**—(1) The Department must by regulations set a maximum total amount for the net Northern Ireland emissions account for each budgetary period.

That amount is referred to as the “carbon budget” for that period.

(2) The budgetary periods are—

(a) 2023 to 2027, and

(b) each succeeding period of five years.

10 (3) The Department may by regulations amend subsection (2) so as to change a budgetary period.

(4) See—

(a) sections 13 to 15 for provision about the setting and adjustment of carbon budgets, and

15 (b) section 32 for restrictions on the power conferred by subsection (3).

Emissions not to exceed carbon budget

12. The Northern Ireland departments must ensure that the net Northern Ireland emissions account for each budgetary period does not exceed the carbon budget for that period.

20 **Setting of carbon budgets: principles**

13. The Department must—

(a) set the carbon budget for each budgetary period up to and including the budgetary period 2048 to 2052 at a level that it is satisfied is consistent with meeting the emissions target for 2050 (see section 1);

25 (b) set the carbon budget for the budgetary periods 2033 to 2037 and 2038 to 2042 at a level that it is satisfied is consistent with meeting the emissions target for 2040 (see section 2); and

(c) set the carbon budget for the budgetary periods 2023 to 2027 and 2028 to 2032 at a level that it is satisfied is consistent with meeting the emissions targets for 2030 and 2040 (see sections 2 and 3).

Setting of carbon budgets: timing

14.—(1) The Department must—

(a) set the carbon budgets for the first three budgetary periods before the end of 2023, and

35 (b) set the carbon budget for the fourth and subsequent budgetary periods at least twelve years before the start of the period in question.

(2) The Department may by regulations—

(a) amend the carbon budget for any budgetary period before the start of the period (and not otherwise);

(b) amend subsection (1) so as to change the date by which a carbon budget must be set.

(3) See section 31 for restrictions on the power conferred by subsection (2)(a).

Carrying amounts from one budgetary period to another

5 **15.**—(1) The Department may decide to carry part of the carbon budget for a budgetary period back to the preceding budgetary period.

(2) If the Department carries back part of the carbon budget—

(a) the budget for the later period is reduced, and

(b) the budget for the earlier period is increased,

10 by the amount carried back.

(3) The amount carried back must not exceed 1% of the carbon budget for the later period.

(4) The Department may decide to carry any unused part of the carbon budget for a budgetary period forward to the next budgetary period.

15 (5) If the Department carries forward part of the carbon budget—

(a) the budget for the later period is increased, and

(b) the budget for the earlier period is reduced,

by the amount carried forward.

20 (6) The carbon budget for a period is “unused” to the extent that it exceeds the net Northern Ireland emissions account for the period.

(7) Before deciding to carry an amount back or forward under this section, the Department must consult—

(a) the other Northern Ireland departments, and

(b) the Committee on Climate Change.

25 (8) Each Northern Ireland department must provide such assistance as the Department requires when deciding to carry an amount back or forward under this section.

(9) Section 18 provides for the reporting of a decision under this section.

PART 3

30 REPORTS AND STATEMENTS AGAINST TARGETS AND BUDGETS ETC

Carbon budgets

Proposals and policies for meeting carbon budget

35 **16.**—(1) The Department must prepare and publish a report for each budgetary period setting out proposals and policies for meeting the carbon budget for that period.

(2) The report must set out proposals and policies covering the areas of responsibility of each Northern Ireland department.

(3) Each Northern Ireland department must provide the Department with—

- (a) its proposals and policies in its areas of responsibility, and
- (b) such other assistance as the Department requires in the preparation of the report.

5 (4) Each Northern Ireland department must provide its proposals and policies for a budgetary period before the end of the first nine months of that period.

(5) The Department must lay the report for a budgetary period before the Assembly before the end of the first year of that period.

Interim progress reporting for budgetary period

10 **17.**—(1) The Department must, during the course of each budgetary period, prepare and publish a report setting out what progress has been made in implementing the proposals and policies set out in the report prepared under section 16 for that period.

(2) Each Northern Ireland department must provide the Department with—

- 15 (a) information on the progress it has made in its areas of responsibility in implementing its proposals and policies, and
- (b) such other assistance as the Department requires in the preparation of the report.

(3) Each Northern Ireland department must provide the information on its progress for a budgetary period before the end of the first 33 months of that period.

20 (4) The Department must lay the report for a budgetary period before the Assembly before the end of the third year of that period.

Final statement for budgetary period

18.—(1) The Department must—

- 25 (a) prepare a final statement for each budgetary period in accordance with this section, and
- (b) lay the statement before the Assembly before the end of the second year after that period.

(2) A final statement under this section must state, in respect of each greenhouse gas—

- 30 (a) the total amount of Northern Ireland emissions,
- (b) the total amount of Northern Ireland removals, and
- (c) the total amount of net Northern Ireland emissions,

for the period.

(3) It must—

- 35 (a) state the total amount of carbon units that have been credited to or debited from the net Northern Ireland emissions account for the period, and
- (b) give details of the number and type of those units.

(4) It must state the final amount of the net Northern Ireland emissions account for the period.

40 (5) It must—

- (a) state whether the Department has decided to carry an amount back or forward under section 15 so as to increase or reduce the carbon budget for the period, and
- (b) if so, state the amount carried back or forward.
- 5 (6) It must state the final amount of the carbon budget for the period.
- (7) Whether the carbon budget for a period has been met is to be determined by reference to the information in the statement for that period.
- (8) The statement must explain why the carbon budget for the period has, or has not, been met.
- 10 (9) In particular, it must include an assessment of the extent to which the proposals and policies for meeting the carbon budget set out in the report under section 16 for the period—
- (a) have been carried out, and
- (b) have contributed to the carbon budget for the period being met or not being met.
- 15 (10) The statement under subsection (8) and assessment under subsection (9) must cover the areas of responsibility of each Northern Ireland department.
- (11) Each Northern Ireland department must provide the Department with—
- (a) an explanation of what it considers to be the reasons why the carbon budget for the period has, or has not, been met, so far as relating to its areas of responsibility,
- 20 (b) its assessment of the extent to which its proposals and policies for meeting the carbon budget—
- (i) have been carried out, and
- 25 (ii) have contributed to the carbon budget for the period being met or not being met, and
- (c) such other assistance as the Department requires in the preparation of the statement.
- (12) Each Northern Ireland department must provide its explanation and assessment for a budgetary period before the end of the first 21 months after that period.
- 30

Proposals and policies where carbon budget not met

- 35 **19.**—(1) This section applies if the Department has laid a final statement before the Assembly under section 18 in respect of a budgetary period for which the net Northern Ireland emissions account exceeds the carbon budget.
- (2) No later than three months after laying the statement, the Department must lay before the Assembly a report setting out proposals and policies to compensate for the excess emissions in subsequent budgetary periods.
- (3) Each Northern Ireland department must provide such assistance as the Department requires in the preparation of the report.
- 40

Emissions targets

Statements on compliance with emissions targets

20.—(1) The Department must—

- 5 (a) prepare a statement for each of the years 2030, 2040 and 2050 in accordance with this section, and
(b) lay each statement before the Assembly before the end of the second year after the year to which it relates.

(2) A statement under this section must state, in respect of each greenhouse gas—

- 10 (a) the total amount of Northern Ireland emissions,
(b) the total amount of Northern Ireland removals, and
(c) the total amount of net Northern Ireland emissions,
for the year to which the statement relates.

(3) It must—

- 15 (a) state the total amount of carbon units that have been credited to or debited from the net Northern Ireland emissions account for the year, and
(b) give details of the number and type of those units.

(4) It must state the amount of the net Northern Ireland emissions account for the year.

20 (5) Whether the emissions target for 2030, 2040 or 2050 has been met is to be determined by reference to the information in the statement for that year.

(6) The statement must explain why the target has, or has not, been met.

(7) Each Northern Ireland department must provide the Department with—

- 25 (a) an explanation of what it considers to be the reasons why the target for the year has, or has not, been met, so far as relating to its areas of responsibility, and
(b) such other assistance as the Department requires in the preparation of the statement.

30 (8) Each Northern Ireland department must provide its explanation before the end of the first 21 months after the year to which the statement relates.

Other reports

Climate change reporting by public bodies

21.—(1) The Department may by regulations impose, on specified public bodies, specified climate change reporting duties.

35 “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—

- 5 (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 time-scales for implementing those proposals and policies;
- 10 (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—

- 15 (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).

(5) The regulations may make provision about—

- 20 (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;
- 25 (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
30 it considers appropriate before making the regulations.

PART 4

REPORTS BY COMMITTEE ON CLIMATE CHANGE

Progress report during first budgetary period

22.—(1) Before the end of 2027, the Committee on Climate Change must send a
35 report to the Department setting out the Committee's views on—

- (a) the progress that has been made towards meeting—
 - (i) the emissions targets that have been set by section 1, 2 and 3, and
 - (ii) the carbon budgets that have been set under section 11,
- (b) whether those targets and budgets are likely to be met, and
- 40 (c) any further measures that are needed to meet those targets and budgets.

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

Progress reports after statement about each budgetary period

23.—(1) No later than six months after the Department lays the final statement for a budgetary period before the Assembly under section 18, the Committee on Climate Change must send a report to the Department setting out the Committee's views on—

- (a) the way in which the carbon budget for the period was, or was not, met,
- (b) the action taken by the Northern Ireland departments to reduce net Northern Ireland emissions of greenhouse gases during the period,
- (c) the progress that has been made towards meeting—
 - (i) the emissions targets that have been set by section 1, 2 and 3, and
 - (ii) the carbon budgets that have been set under section 11,
- (d) whether those targets and budgets are likely to be met, and
- (e) any further measures that are needed to meet those targets and budgets.

(2) Subsection (1)(c) to (e) do not require the Committee to set out its views on the matters mentioned in those paragraphs to the extent that they concern targets and budgets relating to periods of time that end before the report is sent.

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

Progress report after statement about emissions target for 2030

24.—(1) No later than six months after the Department lays the statement under section 20 for 2030 before the Assembly, the Committee on Climate Change must send a report to the Department setting out the Committee's views on—

- (a) whether the emissions targets for 2040 and 2050 are the highest achievable targets,
- (b) if either of them is not the highest achievable target—
 - (i) what is the highest achievable target, and
 - (ii) what further measures are needed to meet the highest achievable target.

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

Progress report after statement about emissions target for 2040

25.—(1) No later than six months after the Department lays the statement under section 20 for 2040 before the Assembly, the Committee on Climate Change must send a report to the Department setting out the Committee's views on—

- (a) whether the emissions target for 2050 is the highest achievable target,
- (b) if not—
 - (i) what is the highest achievable target, and
 - (ii) what further measures are needed to meet the highest achievable target.

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

Response to progress reports

26.—(1) The Department must prepare a response to the points raised by each report of the Committee on Climate Change under sections 22 to 25.

(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 six months of receiving the report from the Committee.

Adaptation programme reports

27.—(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.

Response to adaptation programme reports

28.—(1) The Department must prepare a response to the points raised by each report of the Committee on Climate Change under section 27.

(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 six months of receiving the report from the Committee.

PART 5

SUPPLEMENTARY

*Duties in relation to emissions***Duties to ensure that targets etc are met**

29.—(1) The duties mentioned in sections 1 to 4 and 12 on the Northern Ireland departments (namely, to ensure that the net Northern Ireland emissions account is below a certain amount) are duties on each of them—

(a) to exercise its own functions, so far as is possible to do so, in a manner that is consistent with the achievement of that objective,

(b) so far as is consistent with the proper exercise of its own functions, to co-operate with each of the other departments in the performance by the other department of the other department's duty under paragraph (a), and

(c) to draw up and implement such plans, policies and strategies as may be appropriate for the purpose of performing its duties under paragraphs (a) and (b).

5 (2) Subsection (1) is in addition to (and does not limit) the duties under other sections of this Act.

Regulation-making powers: general

Regulations: general

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

10 (2) The provision that may be made under subsection (1) includes, in particular, provision that—

(a) amends this Act, or

(b) amends the carbon budget for any budgetary period before the start of the period (but not otherwise).

15 (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; but this is subject to subsection (4).

(4) Regulations under section 7(4) or 21(1) are subject to negative resolution, unless they contain consequential or supplementary provision of the kind mentioned in subsection (2).

20 (5) See sections 31 and 32 for restrictions on the power to make provision mentioned in subsection (2).

Regulation-making powers: restrictions and considerations

Regulations that amend or add an emissions target or amend a carbon budget

25 **31.**—(1) This section applies in relation to the making of regulations, under any provision of this Act, that—

(a) amend an emissions target or add a new target in relation to emissions, or

(b) amend a carbon budget.

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

30 (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;

35 (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.

40 (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, and
- (c) technology relevant to climate change.

(4) But if the Department is satisfied that it is appropriate to make the regulations as a result of significant developments in a matter listed in subsection (2)(a) the Department is not also required by subsection (3) to have separate regard to that matter.

Regulations that specify a different baseline year or change a budgetary period

10 **32.**—(1) This section applies in relation to the making of regulations, under any provision of this Act, that—

- (a) specify a different baseline year for a greenhouse gas, or
- (b) change a budgetary period.

15 (2) 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.

Regulation-making powers: advice

Requirement to obtain advice about proposals to make regulations

20 **33.**—(1) This section applies in relation to the making of regulations under any provision of this Act, except regulations that are made in accordance with section 31(2)(b) (recommendation by the Committee on Climate Change).

(2) Before making regulations under section 7(4) or 21(1), or laying draft regulations before the Assembly under section 30(3), the Department must—

- 25 (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.

30 (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—

- 35 (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.

40 (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.

Advice about proposed regulations relating to targets

34.—(1) Subsections (2) and (3) apply where—

- 5 (a) the Department proposes to make regulations, under any provision of this Act, that—
- (i) specify a different year for a particular emissions target, or
 - (ii) specify a different percentage for a particular year, and
- (b) the Committee on Climate Change provides advice under section 33.

10 (2) Where the Department proposes to make regulations that specify a different year for a particular target, the Committee's advice must include the Committee's opinion as to—

- (a) whether the year proposed is the earliest year for which the target could be achieved, and
- 15 (b) if not, what is the earliest year for which the target could be achieved.

(3) Where the Department proposes to make regulations that specify a different percentage for a particular year, the Committee's advice must include the Committee's opinion as to—

- 20 (a) whether the percentage proposed is the highest percentage achievable for the year, and
- (b) if not, what is the highest percentage achievable for the year.

(4) When giving advice in accordance with this section, the Committee must have regard to the following matters—

- 25 (a) United Kingdom and international law or policy relating to climate change,
- (b) scientific knowledge about climate change, and
- (c) technology relevant to climate change.

Advice about proposed regulations relating to budgets

35.—(1) This section applies where—

- 30 (a) the Department proposes to make regulations, under any provision of this Act, that set or change a carbon budget for a budgetary period, and
- (b) the Committee on Climate Change provides advice under section 33.

(2) The Committee's advice must include the Committee's opinion as to—

- (a) the appropriate level of the carbon budget for the period;
 - (b) the extent to which the carbon budget for the period should be met—
- 35 (i) by reducing the amount of net Northern Ireland emissions of greenhouse gases, or
- (ii) by the use of carbon units that, in accordance with regulations made under section 9, may be credited to the net Northern Ireland emissions account for the period;
- 40 (c) the respective contributions towards meeting the carbon budget for the period that should be made—

- (i) by the sectors of the Northern Ireland economy covered by trading schemes (taken as a whole);
 - (ii) by the sectors of the Northern Ireland economy not so covered (taken as a whole);
- 5 (d) the sectors of the Northern Ireland economy in which there are particular opportunities for contributions to be made towards meeting the carbon budget for the period through reductions in emissions of greenhouse gases.
- (3) When giving advice in accordance with this section, the Committee must have regard to the following matters—
- 10 (a) United Kingdom and international law or policy relating to climate change,
 (b) scientific knowledge about climate change, and
 (c) technology relevant to climate change.
- (4) In subsection (2)(c), “trading schemes” has the meaning given by section 44 of the Climate Change Act 2008.

15 *Definitions*

Meaning of “carbon unit”

36. In this Act, 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,
- 20 (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.

Meaning of “greenhouse gas”

37.—(1) In this Act, “greenhouse gas” means any of the following—

- 25 (a) carbon dioxide;
- (b) methane;
- (c) nitrous oxide;
- (d) hydrofluorocarbons;
- (e) perfluorocarbons;
- 30 (f) sulphur hexafluoride;
- (g) nitrogen trifluoride.

(2) The Department may by regulations amend the list of greenhouse gases in subsection (1) so as to add a gas.

Meaning and measurement of emissions

35 **38.—**(1) In this Act, “emissions”, in relation to a greenhouse gas, means emissions of that gas into the atmosphere that are attributable to human activity.

(2) Each of the following must be measured or calculated in tonnes of carbon dioxide equivalent—

- (a) emissions of greenhouse gases;
- 40 (b) reductions in greenhouse gas emissions;

(c) removals of greenhouse gases from the atmosphere.

(3) A “tonne of carbon dioxide equivalent” means one metric tonne of carbon dioxide or an amount of any other greenhouse gas with an equivalent global warming potential, calculated consistently with international carbon reporting practice (see section 39).

Other definitions

39. In this Act—

“the Committee on Climate Change” means the Committee of that name established by Part 2 of the Climate Change Act 2008;

10 “the Department” means the Department of Agriculture, Environment and Rural Affairs;

“emissions target” means a target set by section 1, 2 or 3;

“international carbon reporting practice” means accepted practice in relation to reporting for the purposes of—

15 (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;

“Northern Ireland emissions” has the meaning given by section 7(2);

20 “Northern Ireland removals” has the meaning given by section 7(3).

General

Commencement

40. This Act comes into operation on the day after the day on which it receives Royal Assent.

25 Short title

41. This Act may be cited as the Climate Change Act (Northern Ireland) 2021.

Climate Change (No. 2) Bill

[AS INTRODUCED]

Set targets for the years 2050, 2040 and 2030 for the reduction of greenhouse gas emissions; to provide for a system of carbon budgeting; to provide for reporting and statements against those targets and budgets; to confer power to impose climate change reporting duties on public bodies; to provide for reports and advice from the Committee on Climate Change; and for connected purposes.

Introduced by: Mr Edwin Poots, Minister for Agriculture, Environment and Rural Affairs

On: 5 July 2021

Bill Type: Executive Bill

ACCOMPANYING DOCUMENTS

**An Explanatory and Financial Memorandum is printed separately as
NIA Bill 28/17-22 EFM**



Northern Ireland
Assembly

Published by the Northern Ireland Assembly under the Open Northern
Ireland Assembly Licence (<http://data.niassembly.gov.uk/licence.aspx>)

This information contained in this document is available online
www.niassembly.gov.uk

For more information please contact:

Northern Ireland Assembly
Parliament Buildings
Ballymiscaw
Stormont
Belfast BT4 3XX

Telephone: 028 90 521137
Textphone: 028 90 521209

E-mail: info@niassembly.gov.uk

ISBN: 978-1-78619-445-9