

Climate Change (No. 2) Bill

[AS AMENDED AT CONSIDERATION STAGE]

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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 targets for 2050

5 **1.**—(1) The Northern Ireland departments must ensure that the net Northern Ireland emissions account for the year 2050 is at least 100% lower than the baseline.

 (2) 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
10 the baseline for carbon dioxide.

Emissions targets for 2030 and 2040

2.—(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
15 Assembly within 24 months of this Act receiving Royal Assent and be approved by draft affirmative resolution.

The emissions target for 2040

3. 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.

The emissions target for 2030

5 4. 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**

10 5.—(1) The Department may by regulations amend section 1, 3 or 4 so as to 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.

15 (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.

20 (3) See section 53 for restrictions on the powers conferred by subsections (1) and (2).

*Meaning of key concepts***Meaning of “baseline”**

25 6.—(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

35 (2) The baseline for carbon dioxide is the amount of net Northern Ireland emissions of carbon dioxide in 1990.

(3) The Department may by regulations amend—

- (a) the table in subsection (1) so as to specify a different year in relation to a greenhouse gas,

or

(b) subsection (2) so as to specify a different year in relation to carbon dioxide.

(4) See section 54 for restrictions on the powers conferred by subsection (3).

5 **Meaning of “net Northern Ireland emissions account”**

7.—(1) The net Northern Ireland emissions account for a year is determined as follows—

10 (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 8 and 9),

(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 10), and

15 (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 10).

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

20 (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 8 and 9),

25 (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 10), 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 10).

Meaning of underlying concepts

30 **Meaning of “net Northern Ireland emissions”**

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

35 (a) the amount of Northern Ireland emissions of the gas for the period (see subsection (2)),
minus

(b) the amount of Northern Ireland removals of the gas for the period (see subsection (3)).

(2) The Northern Ireland emissions of a gas for a period are—

40 (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 9).

(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;
- 5 (c) forestry activities in Northern Ireland; and
- (d) carbon capture use and storage technology.

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

10 (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 62).

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

15 **9.**—(1) The Department may by regulations make provision for emissions of a greenhouse gas from international aviation or international shipping to count as Northern Ireland emissions of the gas.

(2) The regulations may—

- (a) specify activities which are to be regarded as international aviation or international shipping;
- 20 (b) specify the circumstances in which, and the extent to which, emissions of a greenhouse gas from international aviation or international shipping are to count as Northern Ireland emissions of that gas;
- (c) specify the period (whether past or future) for which emissions of a greenhouse gas from international aviation or international shipping are to count as Northern Ireland emissions of that gas;
- 25 (d) make provision about how emissions of a greenhouse gas from international aviation or international shipping are to be taken into account in determining Northern Ireland emissions of that gas for the year specified in section 6(1) in relation to it.

30 **Crediting and debiting of carbon units**

10.—(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,
- 35 (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 58 explains what a “carbon unit” is.

(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.

40

(3) The regulations 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.

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

(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.

10 (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—

15 (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,

20 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)—

25 “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;

30 “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.

Carbon units: accounting scheme

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

35 (a) for registering or otherwise keeping track of carbon units, or

(b) for establishing and maintaining accounts in which carbon units may be held, and between which they may be transferred, by the Department.

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

(3) The regulations may—

40 (a) appoint a person or body (an “administrator”) to administer the scheme, or provide that the Department is to do so;

(b) establish a body for the purpose of administering the scheme and make provision in relation to the appointment of members, staffing, expenditure and procedure of that body;

- (c) confer or impose functions on the administrator for the purpose of administering the scheme;
 - (d) confer power on the Department to give guidance or directions to the administrator;
 - 5 (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.

10 *Sectoral plans*

Sectoral plans

- 12.**—(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, 3 and 4 will be achieved by sector.
- 15 (2) These must include policies and proposals to ensure the targets set out in sections 1, 3 and 4 are achieved.
- (3) Interim sectoral reports must be published in line with the targets set out in sections 1, 3 and 4.
- (4) Sectoral plans shall also support a just transition by—
- 20 (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;
 - 25 (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 subsection (3).

Sectoral plans for energy

- 13.**—(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, 3 and 4.
- 35 (2) Sectoral Plans for Energy must include policies and proposals for energy production and the supply of private and public heating and cooling systems.

Renewable electricity consumption

- 14.**—(1) The Department for the Economy must ensure that at least 80% of electricity consumption from renewable sources by 2030.
- 40

Sectoral plans for infrastructure

15.—(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, 3 and 4.

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

Sectoral plans for industrial processes

10 16. 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, 3 and 4.

Sectoral plans for waste management

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

15 (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, 3 and 4 and in subsection (1) of this section.

Sectoral plan for agriculture

20 18.—(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, 3 and 4.

(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.

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

Sectoral plan for fisheries

19.—(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, 3 and 4.

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

Sectoral plan for transport

35 20.—(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, 3 and 4.

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

Active Travel

21. 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%.

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PART 2

CARBON BUDGETS

Carbon budgets

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

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

(2) The Department must—

(a) carry out a public consultation lasting at least 16 weeks on proposed carbon budgets,

15 (b) also consult with the Climate Change Commissioner, the other Departments and the Just Transition Commission and lay the proposals with the Assembly.

(3) Proposed carbon budgets must be approved by the Assembly by draft affirmative resolution.

20 (4) 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; and

(c) the Intergovernmental Panel on Climate Change.

25 (5) The budgetary periods are—

(a) 2023 to 2027, and

(b) each succeeding period of five years.

(6) The Department may by regulations amend subsection (5) so as to change a budgetary period.

30 (7) See—

(a) sections 24 to 27 for provision about the setting and adjustment of carbon budgets, and

(b) section 54 for restrictions on the power conferred by subsection (6).

Emissions not to exceed carbon budget

35 23. 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.

Setting of carbon budgets: principles

24. 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 targets for 2050 (see section 1);
- (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 3); 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 3 and 4).

10 **Setting of carbon budgets: social, environmental and economic factors**

25.—(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.

Setting of carbon budgets: timing

- 5 **26.**—(1) The Department must—
- (a) set the carbon budgets for the first three budgetary periods before the end of 2023, and
 - (b) set the carbon budget for the fourth and subsequent budgetary periods at least twelve years before the start of the period in question.
- 10 (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.
- 15 (3) See section 53 for restrictions on the power conferred by subsection (2)(a).

Carrying amounts from one budgetary period to another

- 27.**—(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—
- 20 (a) the budget for the later period is reduced, and
- (b) the budget for the earlier period is increased,
- by the amount carried back.
- (3) The amount carried back must not exceed 1% of the carbon budget for the later period.
- 25 (4) The Department may decide to carry any unused part of the carbon budget for a budgetary period forward to the next budgetary period.
- (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,
- 30 by the amount carried forward.
- (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—
- 35 (a) the other Northern Ireland departments,
- (b) the Committee on Climate Change, and
- (c) the Climate Commissioner.
- (8) Each Northern Ireland department must provide such assistance as the Department requires when deciding to carry an amount back or forward under this
- 40 section.

(9) Section 38 provides for the reporting of a decision under this section.

PART 3

REPORTS AND STATEMENTS AGAINST TARGETS AND BUDGETS ETC

Carbon budgets

5 **Proposals and policies for meeting carbon budget**

28.—(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.

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

(3) When developing policies each department must ensure they are consistent with the targets set out in the carbon budget.

(4) Having consulted with the relevant sector-specific advisory groups, each Northern Ireland department must provide the Department with—

- 15 (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) 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.

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

(7) 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.

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

Requirements for proposals and policies under section 28

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

- 30 (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
 35 adaptation to, or the mitigation of the effects of, climate change).

(2) In deciding its proposals and policies for the purposes of section 28, 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 (6)), 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 jobs and growth of jobs that are climate resilient and environmentally and socially sustainable,

(b) in particular, supporting the agriculture sector and other sectors of the economy in Northern Ireland that are likely to be most affected by action to reduce those emissions and increase those removals,

(c) supporting low-carbon investment and infrastructure,

(d) developing and maintaining consensus through engagement with (among others) workers, trade unions, communities, non-governmental organisations and representatives of the interests of business and industry,

(e) creating decent, fair and high-value work in a way which does not negatively affect the current workforce,

(f) contributing to a resource-efficient and sustainable economy,

(g) supporting persons who are most affected by climate change, particularly those who may have done the least to cause it or may be the least equipped to adapt to its effects,

(h) reducing, with a view to eliminating poverty, inequality and social deprivation,

(i) ensuring that gender inequality is eliminated and advancing equality of opportunity between men and women,

(j) supporting the social and economic needs of people in rural areas, and

(k) taking into account the future generations principle.

(4) In this section—

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

(b) “environmentally and socially sustainable”, when used in relation to jobs and job growth, means the creation and promotion of jobs in a way which conserves and improves natural resources, in accordance with the future generations principle;

(c) 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.

(5) 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 28.

(6) “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.

(7) 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).

5 (8) Each report under section 28 must explain how the proposals and policies set out in the report take account of the just transition principle.

(9) Each report under section 28 must include an assessment by the Department of the effect of the proposals and policies set out in the report on small businesses.

(10) In subsection (9), “small business” means a business that employs fewer than 50 persons.

10 (11) The Department may by regulations amend subsection (3) or (10).

(12) Regulations that amend subsection (10) 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).

15 **Just Transition Fund for Agriculture**

30. 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 28.

20 **Policies and proposals: targets**

31.—(1) Policies and proposals under section 28 shall contain targets to be achieved during the relevant budgetary period in the following areas—

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

25 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;
- 30 (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.

35 **Policies and proposals: further provision**

32.—(1) Policies and proposals under section 28 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);
- 40 (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;
- 5 (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
 - 10 (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.

Policies and proposals: nature based solutions

33. Policies and proposals under section 28 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.

Policies and proposals: impact on small businesses

- 34.—(1) . Policies and proposals under section 28 must —
- 25 (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.
- (2) “Small and micro businesses” means businesses with less than with less than 30 50 employees.

Policies and proposals: carbon leakage

35.—(1) In setting out the policies and proposals under section 28, the department must take into account the risk of substantial or unreasonable carbon leakage in pursuit of the targets at sections 1, 3 and 4 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.

40 (3) The policies relate to greenhouse gas emissions which, when assessed against the targets at sections 1, 3 and 4, would not achieve those targets.

Just Transition Commission

36.—(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 representatives from, but not limited to, the agricultural sector, the fisheries sector, academia, trade unions, youth groups, civic society and environmental groups.

Interim progress reporting for budgetary period

37.—(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 28 for that period.

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

- (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.

(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

38.—(1) The Department must—

- (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—

- (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—

- (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.

(5) It must—

- (a) state whether the Department has decided to carry an amount back or forward under section 27 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 28 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 **39.**—(1) This section applies if the Department has laid a final statement before the Assembly under section 38 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

40.—(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) 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
25 (b) the amount of the net Northern Ireland emissions account for carbon dioxide for that year.

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

30 (7) The statement must explain why the target (or each of the targets) for the year has, or has not, been met.

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

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

(9) 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**

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

5 “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).

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

(a) an assessment of the current and predicted impact of climate change in relation to the body’s functions;

15 (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;

20 (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—

25 (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);

30 (c) the desirability of co-ordinating the proposals and policies referred to in subsection (3)(b) with corresponding proposals and policies in other parts of the United Kingdom, in the Republic of Ireland or elsewhere.

(5) The regulations may make provision about—

(a) the contents of a report (including the time period to which the report relates);

(b) the time period within which a report must be prepared;

35 (c) co-operation between public bodies in the preparation of a report, or the preparation of a joint report by two or more public bodies;

(d) the form of reports;

(e) the publication of reports.

40 (6) The regulations may confer functions on the Department in connection with the duties imposed by the regulations.

(7) The Department must consult such public bodies, and such other persons, as it considers appropriate before making the regulations.

(8) The first regulations made under this section must come into operation before the end of the period of 18 months beginning with the day on which this Act receives Royal Assent.

PART 4

REPORTS BY COMMITTEE ON CLIMATE CHANGE

Progress report during first budgetary period

42.—(1) Before the end of 2027, the Committee on Climate Change must send a 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, 3 and 4, and

(ii) the carbon budgets that have been set under section 22,

(b) whether those targets and budgets are likely to be met, and

(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

43.—(1) No later than six months after the Department lays the final statement for a budgetary period before the Assembly under section 38, 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, 3 and 4, and

(ii) the carbon budgets that have been set under section 22,

(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

44.—(1) No later than six months after the Department lays the statement under section 40 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 any 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
5 as reasonably practicable after receiving it.

Progress report after statement about emissions target for 2040

45.—(1) No later than six months after the Department lays the statement under section 40 for 2040 before the Assembly, the Committee on Climate Change must send a report to the Department setting out the Committee's views on—

10 (a) whether the emissions targets for 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
15 as reasonably practicable after receiving it.

Response to progress reports

46.—(1) The Department must prepare a response to the points raised by each report of the Committee on Climate Change under sections 42 to 45.

(2) Each Northern Ireland department must provide such assistance as the
20 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

25 **47.**—(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—

30 (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.

35 Response to adaptation programme reports

48.—(1) The Department must prepare a response to the points raised by each report of the Committee on Climate Change under section 47.

(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

FURTHER OVERSIGHT

5 Northern Ireland Climate Commissioner

49. 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.

Climate action plan

10 50.—(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.

15 (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.

20 (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.

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

PART 6

SUPPLEMENTARY

Duties in relation to emissions

30 Duties to ensure that targets etc are met

51.—(1) The duties mentioned in sections 1, 3 to 5 and 23 on the Northern Ireland departments (namely, to ensure that the net Northern Ireland emissions account is below a certain amount and that the net Northern Ireland emissions account for carbon dioxide for 2050 is below a certain amount) are duties on each of them—

35 (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

5 (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).

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

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

Regulation-making powers: general

Regulations: general

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

15 (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).

20 (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 8(4) or 41(1) are subject to negative resolution, unless they contain consequential or supplementary provision of the kind mentioned in subsection (2).

25 (5) See sections 53 and 54 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

30 53.—(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—

35 (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;

40 (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.

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

- (a) United Kingdom and international law or policy relating to climate change,
- (b) scientific knowledge about climate change,
- (c) technology relevant to climate change, and
- 10 (d) the views of the Climate Commissioner and the Just Transition Commission.

(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.

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

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

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

(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

25 **Requirement to obtain advice about proposals to make regulations**

55.—(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 53(2)(b) (recommendation by the Committee on Climate Change).

30 (2) Before making regulations under section 8(4) or 41(1), or laying draft regulations before the Assembly under section 52(3), the Department must—

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

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

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

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

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

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

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

5 (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.

10 **Advice about proposed regulations relating to targets**

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

- (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
 - 15 (ii) specify a different percentage for a particular year, and
- (b) the Committee on Climate Change provides advice under section 55.

(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—

- 20 (a) whether the year proposed is the earliest year for which the target could be achieved, and
- (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—

- 25 (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

- 30 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.

Advice about proposed regulations relating to budgets

35 **57.**—(1) This section applies where—

- (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 55.

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

- 40 (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—

- (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 10, may be credited to the net Northern Ireland emissions account for the period;
- (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);
- (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—
- (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.

Definitions

Meaning of “carbon unit”

58. 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,
- (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”

- 59.—(1) In this Act, “greenhouse gas” means any of the following—
- (a) carbon dioxide;
- (b) methane;
- (c) nitrous oxide;
- (d) hydrofluorocarbons;
- (e) perfluorocarbons;
- (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

60.—(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.

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

- (a) emissions of greenhouse gases;
- (b) reductions in greenhouse gas emissions;
- (c) removals of greenhouse gases from the atmosphere.

10 (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 62).

Meaning of “sector”

61. In this Act “sector” or “sectors” refers to one or all of the following—

- 15 (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;
- 20 (e) residential and public (in relation to buildings in these sectors);
- (f) waste management;
- (g) land use and land-use change, including forestry;
- (h) agriculture; and
- (i) the provision of financial assistance to any person in connection with—
- 25 (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.

Other definitions

30 62. In this Act—

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

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

35 “emissions target” means a target set by section 1, 3 or 4;

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

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

“Northern Ireland emissions” has the meaning given by section 8(2);

“Northern Ireland removals” has the meaning given by section 8(3).

General

Commencement

- 5 **63.** This Act comes into operation on the day after the day on which it receives Royal Assent.

Short title

- 64.** This Act may be cited as the Climate Change Act (Northern Ireland) 2022.