



Stop Climate Chaos Scotland

Climate Change (Scotland) Bill Briefing on Stage 2 amendments, Day 2

This briefing sets out Stop Climate Chaos Scotland (SCCS) views on the list of amendments for stage 2. The table below lists the amendment number, the section of the Bill to which it applies, SCCS comment on the amendment, and whether it should be supported. **Amendments are grouped as per the Grouping of amendments list** (although amendments we have not commented on are not listed). Where there is nothing in the far right column SCCS does not have a position - although we have still chosen to comment. **A simple list indicating support per the marshalled list is appended.**

Amendment No(s)	Section in Bill	Title of grouping / SCCS Comment	SCCS Position
190, 191, 215, 216, 217, 218, 233, 235 Rob Gibson	21, 45, 67	Programmes for adaptation SCCS welcomes the commitment to producing an adaptation programme in the Bill and has campaigned to strengthen the independent scrutiny of progress and to make annual reporting statutory, which this series of amendments accomplishes. These amendments provide for independent scrutiny from either the advisory body (190,191, 218) or the relevant body (217). This is equivalent to the independent scrutiny offered by the UK Committee on Climate Change in the UK Act. They also make annual reporting of progress on achieving the objectives, proposals and policies in the adaptation programme statutory (216), which SCCS feels is essential if adaptation is to become mainstreamed into our thinking of how we tackle the impacts of climate change.	Strongly support
141, 142, 143, 144 Stewart Stevenson	45	Amendment 144 provides for Scottish Ministers to take into account information additional to the UK Risk Assessment in setting out their objectives, proposals and policies in relation to adaptation to climate change. SCCS would seek reassurance from the Minister that the Scottish statutory agencies will be involved in the process of assessing the risks in Scotland and producing the adaptation programme.	Support

214 Des McNulty	45	SCCS has campaigned for the duties on public bodies to be enacted immediately (see further amendments) and for those duties to include contributing to delivering the adaptation programme. This amendment is not inconsistent with our determination to see public bodies deliver adaptation measures. We also welcome the recognition that the public need to be involved in measures taken to adapt to the impacts of climate change.	Support
193, 194 Des McNulty	22	<u>Contribution of different sectors: advice and reports</u> Amendments 193 and 194 are helpful amendments which would require advice on those sectors most likely to deliver significant emissions savings.	Support
137, 138 Liam McArthur	29	These amendments have the potential to ensure reporting on the emissions performance of electricity generation.	
119 Alison McInnes	30	Amendment 119 is a constructive amendment which would require government to set out the emissions reductions that it intends to achieve from those sectors which are most likely to deliver significant emissions savings.	
113, 114 Patrick Harvie	27	<u>Power to give direction to advisory body</u> While we understand why Ministers may have to give <i>guidance</i> to the advisory body (section 26), in order to ensure the advisory body's independence we do not believe they need to, nor should give, <i>directions</i> to the advisory body.	Support
67 Des McNulty	29	<u>Reports on targets etc: content</u> This amendment seems to be a consequential to amendment 50, agreed to last week and supported by SCCS.	Support
118, 120, 121 Cathy Peattie	29	This would improve transparency and accountability about Scotland's actual contribution to climate change. We would add that while cumulative emissions reporting is welcome, and we recommend the Committee agree amendment 118, it will have no actual effect if the annual targets are set without sufficient regard to meeting a fair and safe cumulative budget between now and 2050.	Support
23 Stewart Stevenson	29	SCCS is curious as to how "requires to be adjusted" would be defined.	

70 Shirley- Anne Somerville	31	<u>Reports on certain kinds of emissions</u> This amendment would improve transparency about Scotland’s actual contribution to climate change.	Strongly support
71, 72, 73 Des McNulty	34	<u>Reports: provision of information to the Scottish Parliament</u> This group of amendments to Section 34 all seek to improve the reporting process and involve parliament in it and are all welcomed by SCCS.	Support
122 Patrick Harvie	34	Amendment 122 puts in place the model currently in use to ensure parliamentary consideration of the National Planning Framework, which we feel is an appropriate model. This would provide for immediate comment from Parliament as to the content of the reports and would require the subsequent Ministerial statement to have regard to any comments made. We feel amendment 122 is strengthened by amendment 122A, and 123.	Strongly Support
122A, 123 Alison McInnes	34	Amendment 122A provides for parliamentary scrutiny on any aspect of the annual reports laid before parliament rather than restricting this. Amendment 123 provides for a vote in parliament on proposals and policies to make amends should targets not be met which seems eminently sensible given the importance of these policies.	Strongly Support
198 Cathy Peattie	36	<u>Public bodies: climate change duties</u> SCCS has campaigned strongly for a general climate change duty to apply to all public bodies from the start. We believe the public sector should lead by example and that a general duty now will provide confidence in planning ahead for the public and private sectors. Scotland’s Climate Change Business Delivery Group said that “local authorities and the private sector alike will benefit from the universal application of policy measures and setting expectations as early as possible”. The TICC Stage 1 Report recommended a general duty on public bodies to take account of climate change in their activities. This amendment sets out an excellent general duty, requiring public bodies, in exercising their functions, to: contribute to the greenhouse gas emission reduction targets in the Act; help deliver any climate change adaptation programme laid before the Scottish Parliament under Section 45; and to act in the way they consider is most sustainable. We do not believe this duty is onerous. Indeed, it underpins the commitments made by all Scottish councils in the Scottish Climate Change Declaration, in which they agreed to incorporate greenhouse gas reduction and climate change adaptation measures into new and existing	Strongly Support

		<p>strategies, plans and programmes, in line with sustainable development principles, and to report annually on their climate change response.</p> <p>It is particularly important that sustainable development principles are included in the duty. How we respond to climate change is a matter of enormous significance for our environment and communities worldwide. We must ensure the best options are taken to deliver greenhouse gas reductions and adaptation in ways that maintain natural environments and deliver fair social outcomes, domestically and internationally.</p> <p>The amendment defines public bodies in this Part using the meaning in section 3(1)(a) of the Freedom of Information (Scotland) Act 2002.</p> <p>Public bodies will be able to take account of their own circumstances in deciding how to respond. They will be consulted over the detail of the guidance.</p>	
199 Cathy Peattie	36	This amendment allows for Scottish Ministers to bring in further climate change duties at some time in the future. We think this is sensible to future proof the Bill in case new scientific evidence or new policies require further specific action by public bodies.	Strongly Support
200,201 Cathy Peattie	36	These are consequential amendments defining what are “climate change duties” in the Act.	Strongly Support
202 Patrick Harvie	36	<p>The Bill at present provides only that Scottish Ministers may, if they consider it appropriate, impose climate change duties on public bodies by order. This amendment means that Scottish Ministers must establish the first order to do this within a year of the Act being passed, or, if they do not, must make a statement to Parliament explaining why.</p> <p>SCCS strongly supports Amendment 198 which establishes a duty immediately, while allowing 18 months for it to come into force via Amendment 234. Our very much preferred position is for Amendment 198 and all related amendments from Cathy Peattie to be agreed to. However, should 198 not be agreed to, we would support this as better than the weak ‘wait and see what happens voluntarily before deciding’ approach in the Bill as it stands. The urgency of the need for early action means there is not time to wait and see.</p>	Support only if Amendment 198 is not agreed to.
203, 204 Cathy Peattie	37	These amendments provide that Scottish Ministers must give guidance to public bodies and that before doing so they must have regard to any advice from the relevant advisory body.	Strongly Support

228 Cathy Peattie	62	This amendment would ensure that the equal opportunities requirements applied also to public bodies.	Strongly Support
230,231 Cathy Peattie	65	These are consequential amendments in Part 65, Interpretation, around the definitions of climate change duties and public bodies within the Act.	Strongly Support
234 Cathy Peattie	67	Amendment 234 provides for a period of 18 months before the duty comes into force, allowing time for preparatory work and for funding discussions, such as the next Concordat.	Strongly Support
236 Cathy Peattie	Long title	This is a consequential amendment to the long title to say that the Act imposes climate change duties on public bodies and confers power on Ministers to further impose climate change duties.	Strongly Support
204, 210 Cathy Peattie	40	<u>Role of relevant body etc.</u> This amendment means that the monitoring body must have regard to any advice from the relevant advisory body in determining whether to carry out an investigation. (Plus see comment re 204 above with 203)	Strongly Support
211,212 Cathy Peattie	42	These amendments would ensure that the monitoring body sends a report to the relevant advisory body as well as to Scottish Ministers, and that Scottish Ministers must lay the report before Parliament.	Strongly Support
205, 206, 207 Cathy Peattie,	38	<u>Public bodies: reporting on climate change duties</u> These amendments mean that Scottish Ministers must, rather than may, make provision requiring public bodies to prepare reports on compliance with climate change duties and that the reports must be annual. If, following an investigation under Section 40, they have been found to have failed to comply, they must report on the actions being taken to secure future compliance.	Strongly Support
208, 209 John Park, supp. by Des McNulty, Sarah Boyack.	38	These amendments require annual reports by relevant public bodies to include information about how they have used procurement policies and wider workplace policies to contribute to complying with their climate change duties. SCCS believes that procurement policies have a major role to play in addressing climate change and supports green workplace policies such as environmental agreements with recognised trade unions.	Strongly Support
213 Alison McInnes	44	<u>Environmental assessment</u> This amendment is intended to support effective parliamentary scrutiny of ministerial decisions that could jeopardize the achievement of targets set under the Act. It makes best use of the	Strongly support

		<p>Scottish Parliament’s leading Strategic Environmental Assessment legislation to ensure efficient use of the Advisory Body, and of Parliamentary time.</p> <p>It would require Ministerial plans and programmes with significant greenhouse gas emissions under a Strategic Environmental Assessment to be reported and scrutinised by the relevant body concerning compatibility with climate change targets. Where advice suggests plans and programmes are not compatible, the relevant body would suggest what further steps can be taken to ensure compatibility. Scottish Ministers responsible for the plans and programmes identified would then have to take account of this advice and make a statement to Parliament explaining what steps they are taking following this advice, included where necessary the updating of plans to deliver climate targets.</p> <p>It should be noted that this amendment only applies to Ministerial plans and programmes. It therefore complements the proposed general climate change duty, which would encompass decisions on other public bodies plans and programmes, also covered by SEA provisions. SCCS believe this amendment would ensure joined up delivery between Ministerial action and climate change targets in the Bill.</p>	
		Amendments already debated	
106, 107 Patrick Harvie		In the event that an advisory body is set up under section 19(1) the process of setting annual targets suggests: the Scottish Government propose targets (section 22); the Committee comment on these (section 22); and the Scottish Government then sets its targets (section 4). SCCS believe that in order to guarantee the advisory bodies independence and ensure targets are set with relation to the science, the primary driver of the targets should be the advisory body; not the Scottish Government.	Support
108 Patrick Harvie		This amendment would ensure the advisory body actually give advice as to what they regard as suitable targets, as opposed to simply commenting on annual targets Ministers may already have decided on.	Support
109 Patrick Harvie		While there seems to be a slight drafting error (‘and’ seems to be missing), this amendment would ensure a Scottish advisory body explain their advice in relation to a fair and safe cumulative emissions budget. To some extent this makes explicit what the UK CCC already do in giving advice about atmospheric concentrations and targets required to limit cumulative emissions at a certain level. It should be noted that this is a stand alone amendment and SCCS would strongly recommend that members who support the principle of a fair and safe cumulative budget between now and 2050 support this.	Support

110 Patrick Harvie		This amendment seems to be a consequential to amendment 106.	Support
60 Des McNulty		This would remove the seeking of advice from the advisory body. While we support amendment 50 specifying a domestic effort target of 80%, it is still right and proper for the advisory body to give advice on this area and, if thought wise suggest a higher target.	Oppose
61 Des McNulty		This amendment seems to be a consequential to amendment 50.	Support
133 Liam McArthur		This amendment has the potential to ensure the advisory body advises on suitable emissions performance of electricity generation.	
62, 63 Des McNulty		These amendments seem to be consequential to amendment 50.	Support
136 Cathy Peattie		Amendments 113 and 114 are our strongly favoured amendments, however were these to fall, we can see the benefits of directions being given by Parliament, not just by Ministers.	
65 Des McNulty		This amendment seems to be a consequential to amendment 60.	Support
67 Des McNulty		This amendment seems to be a consequential to amendment 50.	Support
68 Des McNulty		This amendment seems to be a consequential to amendment 50.	Support
119 Alison McInnes		This amendment would provide for sectoral contributions in important sectors.	Support
69 Des		This amendment seems to be a consequential to amendment 50.	Support

McNulty			
74 Des McNulty		This would remove the enabling powers to place a charge on carrier bags.	
35 Stewart Stevenson		This amendment provides for the Government commitment to move to a 2020 interim target.	Support

Marshalled list (only featuring amendments on which SCCS has a position)

Section	Amendment Number	SCCS Position
21	190, 191	Strongly support
22	106, 107, 108	Support
22	109,110	Support
22	193	Support
23	62, 63	Support
27	113	Support
27	136	Support
27	114	Support
28	65	Support
29	67	Support
29	118	Support
30	68	Support
30	119	Support
31	69	Support
After section 31	70	Strongly support
32	120	Support
33	121	Support
34	71	Support
34	122	Strongly support
34	122A	Strongly support

34	72, 73	Support
34	123	Strongly support
36	198, 199, 200, 210	Strongly support
36	202	Support only if Amendment 198 is not agreed to
37	203, 204, 205, 206, 207	Strongly support
37	208, 209	Strongly support
40	210	Strongly support
42	211, 212	Strongly support
After section 44	213	Strongly support
45	141, 142, 143	Support
45	214	Support
45	144, 145, 146, 147, 148	Support
45	215	Strongly support
After section 45	216, 217, 218	Strongly support

For further information please contact:

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Stop Climate Chaos Scotland (SCCS) is a growing coalition of organisations campaigning on climate change. SCCS brings together environment, faith and development organisations, trade unions, community activists, and women's and students' groups.

Stop Climate Chaos Scotland is a charity, registered in Scotland, no SC039643