

Patrick Harvie MSP  
Convener  
Transport, Infrastructure and Climate Change Committee  
The Scottish Parliament  
EDINBURGH  
EH99 ISP

10th February 2010

Dear Patrick,

## CLIMATE CHANGE (SCOTLAND) ACT 2009

### SSI LAYING APPROACH

As you will be aware, Part 1 of the Climate Change (Scotland) Act 2009 (the Act), places requirements on the Scottish Ministers to introduce a number of Scottish Statutory Instruments (SSIs). It is our intention to introduce SSIs relating to:

- setting the annual targets for the years in the period 2010-2022;
- the Scottish share of emissions from international aviation and international shipping;
- limiting the use of carbon units for the years in the period 2010-12; and
- carbon accounting, including provisions for establishing a scheme which tracks and records the use of carbon units by Scottish Ministers, and the circumstances and the manner in which carbon units are to be credited or debited from the net Scottish emissions account.

As per my letter to you of 31 August 2009, the Scottish Ministers have asked the UK Climate Change Committee for advice on the interim (2020) target, alongside a number of other issues. The advice will be published on 24 February and you, and members of your Committee, have been invited to the launch event at the John Hope Gateway at the Royal Botanic Gardens on the same day. I hope that you will be able to attend. The Scottish Ministers must consider the advice from the Committee on Climate Change and then either bring forward an order modifying the interim target or make a statement setting out the reasons why no such order has been laid.

This is a complex set of SSIs and due to the interdependence of their content, centred upon the level at which the annual targets are set, it is intended to lay all the SSIs together in draft on **21 April**. This is in line with the requirement in the Act for the annual targets to be set no later than 1 June 2010, and the Parliamentary procedure applicable to the draft SSIs which requires the Committee to report and vote on the drafts within 40 days of their being laid.

I am keen that the Committee's opportunity for scrutiny of the SSIs is maximised. Discussions between my officials and Clerks have already taken place to investigate how that can best be achieved, and this liaison will continue over the coming months. In addition to these discussions, an informal briefing session for TICC Committee Clerks could be useful in ensuring that the evidence sessions are as comprehensive as possible.

## **REPORT ON PROPOSALS AND POLICIES FOR MEETING ANNUAL TARGETS**


I would also like to take this opportunity to inform you of the Scottish Government's intention to lay the draft statutory report on proposals and policies for meeting annual targets (RPP) before the Scottish Parliament in September 2010.

This report is required by section 35(1) of the Act and must be laid in draft before Parliament as soon as reasonably practicable after the annual targets to which it refers are set. The Act also requires a 60 day "period for Parliamentary consideration" of the draft, of which no fewer than 30 must be days on which the Parliament is not dissolved or in recess. Bearing in mind the summer recess, laying the draft RPP in June would give the Committee little time in which to consider the report before that recess.

Laying the draft RPP in September 2010 would mean that the period for Parliamentary consideration will run over the October recess but this approach will still ensure the greatest possible number of statutory scrutiny days, while also providing sufficient time for the final version of the report to be laid, and a Ministerial statement made to Parliament, before the end of the year.

I would be happy for my officials to liaise with the TICC Committee Clerks to agree upon the exact date to lay the draft RPP that best suits your Committee.

I hope the Committee finds this information useful.



**STEWART STEVENSON**