

2010 No. 217

CLIMATE CHANGE

**The Climate Change (Limit on Carbon Units) (Scotland) Order
2010**

Made - - - - *27th May 2010*

Coming into force - - *28th May 2010*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 21(1) and (4) of the Climate Change (Scotland) Act 2009(a).

In accordance with section 96(4) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Before the draft was so laid, the Scottish Ministers requested the advice of the relevant body(b) in accordance with section 23(1) of that Act.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Climate Change (Limit on Carbon Units) (Scotland) Order 2010 and comes into force on the day after the day it is made.

(2) In this Order “the 2010 Regulations” means the Carbon Accounting Scheme (Scotland) Regulations 2010(c).

Limit on the net amount of carbon units for the period 2010-2012

2. The net amount of carbon units that may be credited to the net Scottish emissions account for the period 2010-2012 is zero.

Carbon units that do not count towards the limit

3.—(1) The following carbon units do not count towards the limit in article 2:—

- (a) carbon units credited to or debited from the net Scottish emissions account in accordance with regulation 8 (crediting and debiting of carbon units to the net Scottish emissions account in connection with the EU Emissions Trading Scheme) of the 2010 Regulations; and

(a) 2009 asp 12.

(b) In terms of section 5(7)(a) and (8) of the Climate Change (Scotland) Act 2009 the relevant body is the UK Committee on Climate Change.

(c) S.S.I. 2010/216.

(b) European Union allowances which are acquired by the administrator of a trading scheme established in accordance with Part 3 (trading schemes) of the Climate Change Act 2008^(a).

(2) In paragraph (1) “European Union allowance” has the meaning given by regulation 4(3) (carbon units) of the 2010 Regulations.

STEWART STEVENSON

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
27th May 2010

^(a) 2008 c.27.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order sets a limit in accordance with section 21 of the Climate Change (Scotland) Act 2009 (the “2009 Act”) on the net amount of carbon units which may be credited to the net Scottish emissions account (“NSEA”), and makes further provision in that respect.

The Scottish Ministers requested advice from the relevant body (the UK Committee on Climate Change (UKCCC)) as required by section 23(1) of the 2009 Act. The UKCCC advice is set out in “Scotland’s path to a low carbon economy” dated February 2010, and available at <http://www.theccc.org.uk/reports/scottish-report>.

Article 2 provides that the net amount of carbon units that may be credited to the NSEA for the period 2010-2012 is zero.

Article 3 specifies the carbon units that do not count towards that limit, namely units credited to and debited from the NSEA under regulation 8 of the Carbon Accounting Scheme (Scotland) Regulations 2010 (S.S.I. 2010/216) as a result of the operation of the EU Emissions Trading Scheme, and European Union allowances acquired by the administrator of a trading scheme (a “Part 3 scheme”) that operates under Part 3 of the Climate Change Act 2008.

A Part 3 scheme operates by—

- (a) limiting, or encouraging the limitation, of activities which consist of the emission of greenhouse gases or that cause or contribute to such emissions, or
- (b) encouraging activities that consist of, or cause or contribute to, reductions in greenhouse gas emissions or removal of greenhouse gases from the atmosphere.

A Regulatory Impact Assessment has not been produced in relation to this Order as it has no direct impact on businesses, charities or the voluntary sector.

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