

Parliamentary Bureau – Approval of Scottish Statutory Instrument and UK Statutory Instruments

Scottish Affirmative Instrument

[Rural Support \(Improvement\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2024 \(SSI 2024/Draft\)](#)

1. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

Jamie Hepburn on behalf of the Parliamentary Bureau: That the Parliament agrees that the Rural Support (Improvement) (Miscellaneous Amendment) (Scotland) Regulations 2024 (SSI 2024/Draft) be approved.

Purpose

2. To make modifications in order to “improve the operation of the provisions of assimilated law” relating to the Common Agricultural Policy (CAP). The modifications relate to the Good Agricultural Conditions (GAEC) and the Scottish Suckler Beef Support Scheme (SSBSS). The regulations introduce new cross compliance requirements as part of the GAEC concerning the maintenance of soil organic matter. According to [the policy note](#), the changes will help address environmental and climate concerns by preventing peatlands and wetlands being damaged by certain activities. The regulations will also introduce a new eligibility condition for a calving interval threshold of 410 days to the SSBSS, beginning in 2025.

Consideration by committee

3. At its meeting on 20 November 2024 the Rural Affairs and Islands Committee agreed, by division (For 7, Against 1, Abstentions 1), to recommend that the Instrument be approved. The Committee’s [report was published on 3 December 2024](#).

UK Affirmative Instruments

[Greenhouse Gas Emissions Trading Scheme \(Amendment\) \(No. 2\) Order 2024 \(SI 2024/Draft\)](#)

4. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

Jamie Hepburn on behalf of the Parliamentary Bureau: That the Parliament agrees that the Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 2) Order 2024 (SI 2024/Draft) be approved.

Purpose

5. This UK instrument makes various changes to the UK Emissions Trading Scheme (the “UK ETS”). The UK ETS is a system of carbon reduction and trading for UK businesses in energy-intensive sectors, run by the governments of the United Kingdom. It aims to reduce overall emissions by imposing a cost on

them and therefore creating a financial incentive to decarbonise. It also expands the scope of the scheme to carbon dioxide venting in the upstream oil and gas sector, introducing a new type of enforcement notice called a 'deficit notice', and making technical changes to the scheme's penalties. In addition, the instrument will ensure legislative consistency by implementing changes that were previously unable to be made on a UK-wide basis under the Climate Change Act 2008 (CCA) in the absence of a sitting Northern Ireland Assembly. This instrument will also implement the reduction in the total number of allowances available for free allocation, expand the scope of the scheme to flights from Northern Ireland to Switzerland, and extend legislation to Northern Ireland that currently only extends to England, Wales and Scotland.

Consideration by committee

6. At its meeting on 19 November 2024 the Net Zero, Energy and Transport Committee agreed to recommend that the Instrument be approved. The Committee's [report was published on 4 December 2024](#).

[Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 2025 \(SI 2024/Draft\)](#)

7. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

Jamie Hepburn on behalf of the Parliamentary Bureau: That the Parliament agrees that the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2025 (SI 2024/Draft) be approved.

Purpose

8. This Order transfers to the Scottish Ministers' the power to make Environmental Outcome Report (EOR) regulations. EORs are the environmental assessments that are carried out in connection with applications for consent, approval or variation of consent under the Electricity Act 1989 for the construction, extension or operation of generating stations whether in Scotland or in the Scottish Renewable Energy Zone area; consent under section 37 of the 1989 Act for the installation, or the keeping installed, of overhead electric lines above ground.
9. EORs replace the former system of environmental impact assessment ("EIA") which were lost as a consequence of the repeal of the European Communities Act 1972. This has resulted in the Scottish Ministers no longer having an operative enabling power to amend environmental assessment processes and provisions within the 2017 Regulations, nor do the Scottish Ministers have powers to make new regulations. The [Explanatory Note](#) sets out further detail on the transfer of powers.

Consideration by committee

10. At its meeting on 12 November 2024 the Net Zero, Energy and Transport Committee agreed to recommend that the Instrument be approved. The Committee's [report was published on 4 December 2024](#).

Decision

11. Business Managers are invited to note that the above motions will be lodged.

12. Business Managers should reserve their position if their party intends to speak against or oppose the motions.

Parliamentary Business Team
December 2024