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Professor Piers Forster

02 November 2024

Dear Professor Forster,

Thank you for your correspondence to the Net Zero, Energy and Transport Committee regarding the concerns you have with Amendments 28, 29 and 30 to the Climate Change (Emissions Reduction Targets) Bill.

While these amendments did pass at Stage 2 of the process, I expressed similar concerns during the stage 2 debate to those you shared in your letter regarding how these would affect the Climate Change Committee's role. The Scottish Government recognises the importance of the CCC's advice and its contribution to allowing us to set appropriate carbon budgets. However, we agree that the decisions should ultimately be made by the Scottish Parliament, in order to ensure democratic accountability.

I have therefore worked with Monica Lennon, who tabled Amendments 28, 29 and 30, to lodge Amendment 1 which seeks to address the matters raised. This amendment will uphold the CCC's importance as an advisory body, and removes the effects of Amendments 28, 29 and 30 in making it overall decision-maker except in exceptional circumstances. The amendment also states the need for Ministers to 'take into account' the advice of the CCC. This is less prescriptive than the effect of the wording found in Amendments 28, 29 and 30, which stated that Ministers must 'act in accordance with' the advice unless there are exceptional reasons not to. This phrasing also aligns the language in this section to that in equivalent UK, Welsh and Northern Ireland legislation.

The amendment is as follows and will be heard at Stage 3, the final amending stage, on Tuesday 5 November:

In section 1, page 2, leave out lines 21 and 22 and insert—

<() take into account the most up-to-date advice they have received from
the relevant body.>

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With the aim of finding a balance between ensuring CCC advice is given due consideration and respecting the views of the CCC on how that position is reflected in legislation, I have not sought to make any changes to Amendment 32 that also passed at Stage 2 which requires that if a proposed carbon budget is not in accordance with CCC advice, we must set out the reasons why in the statement to Parliament accompanying carbon budget regulations.

I hope this reassures you that your concerns have been taken seriously.

Yours sincerely,

GILLIAN MARTIN

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