

Net Zero, Energy and Transport Committee
Tuesday 14 January 2025
2nd Meeting, 2025 (Session 6)

Note by the Clerk on the Financial Assistance for Environmental Purposes (Variation) (Scotland) Order 2024 (SSI 2024/371)

Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instrument (SSI), which is subject to annulment by resolution of the Parliament until 5 February 2025. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.
2. More information about the instruments is summarised below:

Title of instrument: [Financial Assistance for Environmental Purposes \(Variation\) \(Scotland\) Order 2024](#)

Laid under: Section 153(4) of the [Environmental Protection Act 1990](#)

Laid on: 12 December 2024

Procedure: Negative

Deadline for committee consideration: 3 February 2025 (Advisory deadline for any committee report to be published)

Deadline for Chamber consideration: 5 February (Statutory 40-day deadline for any decision whether to annul the instrument)

Commencement: 6 February 2025

Procedure

3. Under the negative procedure, an instrument is laid after it is made, and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.
4. Once laid, the instrument is referred to:
 - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
 - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.
5. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it must be debated at a

meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).

6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

Delegated Powers and Law Reform Committee consideration

7. The DPLR Committee considered this instrument on 7 January and reported on it in its [1st Report 2025](#). The DPLR Committee made no recommendations in relation to the instrument.

Purpose of the instrument

8. The purpose of this Order is to enable the Scottish Ministers to give financial assistance to any scheme, organisation, or programme, for the purposes of protecting, improving or gaining a better understanding of air quality.
9. The policy note explains that Section 153(1)(h) and (tt) of the Environmental Protection Act 1990 have previously been used to grant air quality resource funding to local authorities to assist in their air quality monitoring functions. Section 153(1)(h) gives the Scottish Ministers the power to give financial assistance for the purposes of implementing the Convention on Long Range Transboundary Air Pollution (which aims to reduce air pollution) and any Protocol to the Convention. Section 153(1)(tt) gives the Scottish Ministers the power to give financial assistance for the purposes of any scheme for the regulation of emissions from motor vehicles.
10. According to the policy note, this Order will enable the Scottish Ministers to support a wider range of environmental measures relating to protection, improvement or better understanding of air quality.
11. The Policy Note accompanying the instrument is included in the annexe. It includes a summary of consultation undertaken on the instrument, impact assessments carried out, and the anticipated financial effects.

Committee consideration

12. So far, no motion recommending annulment has been lodged.
13. Members are invited to consider the instrument and decide whether there are any points they wish to raise. If there are, options include:
 - seeking further information from the Scottish Government (and/or other stakeholders) through correspondence, and/or
 - inviting the Minister (and/or other stakeholders) to attend the next meeting to give evidence on the instrument.

It would then be for the Committee, at the next meeting, to consider the additional information gathered and decide whether to make recommendations in relation to the instrument.

14. If members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).

15. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

**Clerks to the Committee
January 2025**

Annexe A: Scottish Government Policy Note

POLICY NOTE

THE FINANCIAL ASSISTANCE FOR ENVIRONMENTAL PURPOSES (VARIATION) (SCOTLAND) ORDER 2024

SSI 2024/371

The above instrument was made in exercise of the powers conferred by section 153(4) of the Environmental Protection Act 1990. The instrument is subject to negative procedure.

Summary

This instrument will enable the Scottish Ministers to offer financial assistance to any scheme, organisation, or programme for the purposes of protecting, improving or gaining a better understanding air quality.

Policy Objectives

The purpose of this Order is to provide a power to enable the Scottish Ministers to make grants to any scheme, organisation, or programme whose purpose is to protect, improve, or gain a better understanding of air quality.

Section 153(1)(h) and (tt) of the Environmental Protection Act 1990 have previously been used to grant air quality resource funding to local authorities to assist in their air quality monitoring functions. Section 153(1)(h) gives the Scottish Ministers the power to give financial assistance for the purposes of implementing the Convention on Long Range Transboundary Air Pollution (which aims to reduce air pollution) and any Protocol to the Convention. Section 153(1)(tt) gives the Scottish Ministers the power to give financial assistance for the purposes of any scheme for the regulation of emissions from motor vehicles. This Order will enable the Scottish Ministers to support a wider range of environmental measures relating to protection, improvement or better understanding of air quality.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Financial Assistance for Environmental Purposes (Scotland) Variation Order 2024 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

No consultation has been carried out in relation to this Order given its likely limited impact.

Impact Assessments

[A Children's Rights and Wellbeing Impact Assessment](#) has been completed for this Order and will be published alongside this Order on legislation.gov.uk. There were no children's rights or welfare issues identified.

The following impact assessments have not been undertaken:

Equality Impact Assessment – there are no equalities issues associated with the SSI.
Data Protection Impact Assessment – there are no data protection issues associated with the SSI.

Strategic Environmental Assessment – there are no environmental impact issues associated with the SSI.

Islands – there are no islands impacts associated with the SSI.

Consumer Duty Impact Assessment – there are no impacts on consumers associated with the SSI.

Financial Effects

The Cabinet Secretary for Net Zero and Energy confirms that no BRIA is necessary as the instrument in itself has no financial effects on the Scottish Government, local government or on business. The powers are purely permissive; any grants made under the amended grant- making power will be subject to budget availability.

Scottish Government
Environment and Forestry Directorate

December 2024