Draft Order laid before the Scottish Parliament under section 96(4) of the Climate Change (Scotland) Act 2009 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2015 No.

CLIMATE CHANGE

The Climate Change (Additional Greenhouse Gas) (Scotland) Order 2015

Made - - - -

Coming into force in accordance with article 1

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 10(2)(a), 12(3) and 96(3) of the Climate Change (Scotland) Act 2009(**a**) and all other powers enabling them to do so.

In accordance with section 96(4) of that Act(**b**), 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 advice from the UK Committee on Climate Change(**c**) in accordance with section 10(4) of that Act.

In accordance with section 10(3) of that Act, it appears to the Scottish Ministers that an agreement at international level recognises that the gas to be added to section 10(1) of that Act contributes to climate change.

Citation and commencement

1. This Order may be cited as the Climate Change (Additional Greenhouse Gas) (Scotland) Order 2015 and comes into force on the day after it is made.

Modification of section 10 of the Climate Change (Scotland) Act 2009

2. After section 10(1)(f) of the Climate Change (Scotland) Act 2009, insert—

"(g) nitrogen trifluoride.".

(**a**) 2009 asp 12.
(**b**) Section 96(4) has been modified by paragraph 5 of schedule 3 to the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).
(**c**) Section 10(4) requires that the Scottish Ministers must request advice from the relevant body. In terms of section 5(7)(a) and (8) the relevant body is the UK Committee on Climate Change.

Modification of section 11 of the Climate Change (Scotland) Act 2009

3. After section 11(2)(e) of the Climate Change (Scotland) Act 2009, insert—

"(f) for nitrogen trifluoride, 1995.".

Name
A member of the Scottish Government

St Andrew's House,
Edinburgh
Date

EXPLANATORY NOTE

(This note is not part of the Order)

This Order modifies the Climate Change (Scotland) Act 2009 ("the 2009 Act") by adding nitrogen trifluoride as an additional greenhouse gas to the greenhouse gases listed in section 10(1). Article 3 designates 1995 as the baseline year for nitrogen trifluoride.

Nitrogen trifluoride (NF3) is recognised as a gas which contributes to climate change in the 2006 IPCC Guidelines for National Greenhouse Gas Inventories, as adopted by the Conference of the Parties to the United Nations Framework Convention on Climate Change in decision 24/CP.19. That decision is available at http://unfccc.int/resource/docs/2013/cop19/eng/10a03.pdf#page=2.

The Scottish Ministers requested advice from the UK Committee on Climate Change as required by section 10(4) of the 2009 Act. That advice is available at http://www.theccc.org.uk/publication/letter-inclusion-of-nitrogen-trifluoride-in-the-climate-change-scotland-act-2009-targeted-gases/.

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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£4.25

S201503276 04/2015 19585

http://www.legislation.gov.uk/id/sdsi/2015/9780111027394

ISBN 978-0-11-102739-4

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