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

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2011 No.

CLIMATE CHANGE

The Climate Change (Limit on Carbon Units) (Scotland) Order 2011

Made - - - -	*2011*
Coming into force - -	*31st December 2011*

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(**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 the advice of the relevant body(**c**) 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 2011 and comes into force on 31st December 2011.

(2) In this Order "the 2010 Regulations" means the Carbon Accounting Scheme (Scotland) Regulations 2010(**d**).

Limit on the net amount of carbon units for the period 2013-2017

2. The net amount of carbon units that may be credited to the net Scottish emissions account for the period 2013-2017 is specified in the Schedule.

Carbon units that do not count towards the limit

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

(a) EU ETS carbon units credited to or debited from the net Scottish emissions account in accordance with the 2010 Regulations; and

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(**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**) 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.
(**d**) 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)—

(a) "EU ETS" has the same meaning given by regulation 2 of the 2010 Regulations; and

(b) "European Union allowance" has the meaning given by regulation 4(3) (carbon units) of the 2010 Regulations.

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
Date

(**a**) 2008 c.27; to which there are no relevant amendments.

SCHEDULE

Article 2

Net amount of carbon units that may be credited to the net Scottish emissions account

Year	*Maximum number of permitted carbon units*
2013	1,050,000
2014	203,600
2015	206,000
2016	199,000
2017	197,400

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 provided advice dated 1st July 2011 which is available at **http://hmccc.s3.amazonaws.com/CCC%20letter%20to%20Stewart%20Stevenson%20-%20targets%20and%20credit%20advice%201%20July%202011.pdf.**

Article 2 provides that the net amount of carbon units that may be credited to the NSEA for the years in the period 2013-2017 are as specified in the Schedule.

Article 3 specifies the carbon units that do not count towards that limit, namely EU ETS units credited to and debited from the NSEA under 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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