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

2016 No.

CLIMATE CHANGE

The Climate Change (Limit on Use of Carbon Units) (Scotland) Order 2016

Made - - - -	*2016*
Coming into force - -	*2016*

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**) and all other powers enabling them to do so.

In accordance with section 23(1) of that Act, the Scottish Ministers, before laying a draft of this instrument before the Scottish Parliament, requested advice from the relevant body(**b**).

In accordance with section 96(4) of that Act(**c**), a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Climate Change (Limit on Use of Carbon Units) (Scotland) Order 2016 and comes into force on the day after the day on which it is made.

Interpretation

2. In this Order—

"the 2010 Regulations" means the Carbon Accounting Scheme (Scotland) Regulations 2010(**d**); and

"EU ETS" has the meaning given by regulation 2 (interpretation) of the 2010 Regulations.

Limit on use of carbon units for the period 2018-2022

3.—(1) The limit on the net amount of carbon units that may be credited to net Scottish emissions accounts during the period 2018-2022 is set at zero.

(**a**) 2009 asp 12.
(**b**) By virtue of section 5(7)(a) and (8) of the Climate Change (Scotland) Act 2009, the "relevant body" in section 23(1) of that Act means the Committee on Climate Change established under section 32 of the Climate Change Act 2008 (c.27).
(**c**) Section 96(4) has been modified by paragraph 5 of schedule 3 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).
(**d**) S.S.I. 2010/216 as amended by S.I. 2011/1043 and by S.S.I. 2015/189 and S.S.I. 2016/46.

(2) Carbon units credited to or debited from the net Scottish emissions accounts as a result of the operation of the EU ETS in accordance with the 2010 Regulations do not count towards that limit.

Name
A member of the Scottish Government

St Andrew's House,
Edinburgh
Date

EXPLANATORY NOTE

(This note is not part of the Order)

For the purposes of Part 1 of the Climate Change (Scotland) Act 2009, this Order sets a limit of zero on the net amount of carbon units that may be credited to net Scottish emissions accounts during the period 2018-2022.

It also provides that carbon units credited to or debited from the net Scottish emissions account as a result of the operation of the European Union emission trading scheme ("the EU ETS") in accordance with the Carbon Accounting Scheme (Scotland) Regulations 2010 do not count towards that zero limit. The EU ETS (including the associated use of carbon units) operates by—

- limiting, or encouraging the limitation of, activities that consist of the emission of greenhouse gases or that cause or contribute to such emissions, or
- encouraging activities that consist of, or cause or contribute to, reductions in greenhouse gas emissions or removal of greenhouse gases from the atmosphere.

No business and regulatory impact assessment has been prepared for this Order as no impact on business, charities or voluntary bodies is foreseen.

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