Draft Regulations 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

2025 No.

CLIMATE CHANGE

The Climate Change (Scotland) Act 2009 (Scottish Carbon Budgets) Amendment Regulations 2025

Made - - - - 2025

Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the power conferred by section A4(1) of the Climate Change (Scotland) Act 2009 ("the 2009 Act")(**a**) and all other powers enabling them to do so.

In accordance with section A4(4) of that Act, the Scottish Ministers have had regard to the target-setting criteria(**b**) and have taken into account the most up-to-date advice from the relevant body(**c**).

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

In accordance with section 13(2) of the Climate Change (Emissions Reduction Targets) Act 2024(**d**), the Scottish Ministers have received advice from the relevant body following a request for that advice under section 2C(1) of the 2009 Act.

Citation and commencement

1. These Regulations may be cited as the Climate Change (Scotland) Act 2009 (Scottish Carbon Budgets) Amendment Regulations 2025 and come into force on the day after the day on which they are made.

(**a**) 2009 asp 12 ("the 2009 Act"). Section A4 of the 2009 Act was inserted by section 1 of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2024 (asp 15). Section 96(3) of the 2009 Act states that regulations made under the Act may modify any enactment including the 2009 Act.

(**b**) "Target-setting criteria" has the meaning given by section 2B of the 2009 Act. Section 2B was inserted by section 5 of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (asp 15) ("the 2019 Act").

(**c**) "Relevant body" has the meaning given by section 20A of the 2009 Act. Section 20A was inserted by paragraph 5 of the schedule of the 2019 Act. The "relevant body" is the UK Committee on Climate Change.

(**d**) 2024 asp 15.

Amendment of the Climate Change (Scotland) Act 2009

2.—(1) The Climate Change (Scotland) Act 2009 is amended in accordance with paragraphs (2) and (3).

(2) In section A2(5) (Scottish carbon budgets and associated concepts), for "by virtue of regulations under section A4" substitute "in section A2A".

(3) After section A2 insert—

"A2A Scottish carbon budgets: 2026 to 2045

(1) The Scottish carbon budget for the period in column 1 of the following table is the corresponding proportion of the budget-relevant baseline in column 2—

Column 1 Scottish carbon budget period	*Column 2* Proportion of budget-relevant baseline
2026 to 2030	43%
2031 to 2035	31%
2036 to 2040	20%
2041 to 2045	6%

(2) In subsection (1), "budget-relevant baseline" means the baseline multiplied by the number of years comprising the period in column 1.".

Name
A member of the Scottish Government

St Andrew's House,
Edinburgh
Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section A4(1) of the Climate Change (Scotland) Act 2009 ("the 2009 Act") which requires the Scottish Ministers to set Scottish carbon budgets so that every year between 2026 and the net-zero emissions target year is covered by a budget. A Scottish carbon budget is the number of tonnes of carbon dioxide equivalent prescribed for a given period. The Scottish Ministers have a duty under section A3 of the 2009 Act to ensure that each Scottish carbon budget target is met.

Regulation 2(3) amends the 2009 Act by inserting a new section A2A which sets out the carbon budgets for the periods 2026 to 2030, 2031 to 2035, 2036 to 2040 and 2041 to 2045. The carbon budgets are expressed as a proportion of the budget-relevant baseline for each carbon budget period. The "budget-relevant baseline" is the baseline, as defined in section 11 of the 2009 Act, multiplied by the number of years comprising a carbon budget period. This reflects that while the baseline is derived from annual figures, carbon budgets are multi-year figures.

Regulation 2(2) amends section A2(5) of the 2009 Act to refer to the new section A2A.

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