

Climate and Ecology Bill [HL]

[AS INTRODUCED]

CONTENTS

- 1 Duty of the Secretary of State: climate and nature targets
- 2 Duty of the Secretary of State: climate and nature strategy
- 3 Public involvement
- 4 Duties of the Committee on Climate Change and the Joint Nature Conservation Committee
- 5 Approval by devolved legislatures
- 6 Acceptance and implementation of the strategy and any revisions
- 7 Financial provisions
- 8 Interpretation
- 9 Extent, commencement and short title

[AS INTRODUCED]

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B I L L

TO

Require the Secretary of State to achieve climate and nature targets for the United Kingdom; to give the Secretary of State a duty to implement a strategy to achieve those targets; to establish a Climate and Nature Assembly to advise the Secretary of State in creating that strategy; to give duties to the Committee on Climate Change and the Joint Nature Conservation Committee regarding the strategy and targets; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Duty of the Secretary of State: climate and nature targets

- (1) The Secretary of State must achieve the objectives in subsection (2) (“the objectives”).
- (2) The objectives are to ensure that the United Kingdom—
 - (a) reduces its overall contribution to global greenhouse gas emissions to net zero at a rate consistent with—
 - (i) limiting the global mean temperature increase to 1.5 degrees Celsius compared to pre-industrial levels as defined by the Intergovernmental Panel on Climate Change; and
 - (ii) fulfilling its obligations and commitments under the UNFCCC and the Paris Agreement, taking into account the United Kingdom's and other countries' common but differentiated responsibilities, and respective capabilities, considering national circumstances;

(“the climate target”); and
 - (b) halts and reverses its overall contribution to the degradation and loss of nature in the United Kingdom and overseas by—
 - (i) increasing the health, abundance, diversity and resilience of species, populations, habitats and ecosystems so that by 2030, and measured against a baseline of 2020, nature is visibly and measurably on the path of recovery;
 - (ii) fulfilling its obligations under the UNCBD and its protocols and the commitments set out in the Leaders’ Pledge for Nature; and

- (iii) following the principle of common but differentiated responsibilities.
(‘the nature target’).

- (3) The Secretary of State may fulfil the duty in subsection (1) by acting on matters of devolved legislative competence subject to section 5. 5

2 Duty of the Secretary of State: climate and nature strategy

- (1) The Secretary of State must, within 12 months of the passing of this Act, publish and lay before Parliament a strategy (‘the strategy’) to achieve the objectives specified in section 1.
- (2) The strategy must include annual interim targets consistent with the achievement of the objectives and the Secretary of State must take all reasonable steps to meet those annual interim targets. 10
- (3) The strategy must include measures that, subject to sections 3 and 4, will achieve the objectives specified in section 1 by –
 - (a) limiting the United Kingdom’s total emissions of carbon dioxide to no more than its proportionate share of the remaining global carbon budget; 15
 - (b) reducing emissions of carbon dioxide in respect of imports to the United Kingdom, at the same percentage rate each year as the annual reduction of the United Kingdom’s emissions of carbon dioxide required pursuant to (a); 20
 - (c) reducing the United Kingdom’s emissions of greenhouse gases other than carbon dioxide at rates consistent with a proportionate United Kingdom contribution to limiting global heating to 1.5 degrees Celsius;
 - (d) ensuring the end of the exploration, extraction, export and import of fossil fuels by the United Kingdom as rapidly as possible; 25
 - (e) ensuring that steps taken to mitigate emissions minimise damage to ecosystems, food and water availability, and human health, as far as possible;
 - (f) restoring and expanding natural ecosystems, and enhancing the management of cultivated ecosystems, to protect and enhance biodiversity, ecological processes, and ecosystem service provision, including climate change mitigation; 30
 - (g) ensuring that all activities in the United Kingdom which affect the health, abundance, diversity and resilience of species, populations and ecosystems – 35
 - (i) follow the Mitigation and Conservation Hierarchy, and
 - (ii) prioritise avoidance of the loss of nature.
 - (h) taking every possible step to avoid, where avoidance is not possible, limit, and where limiting is not possible, restore or otherwise offset, the adverse impacts overseas of United Kingdom-generated cycles of consumption, trade, financing and production on ecosystems and human health; including, but not limited to, the extraction of raw materials, deforestation, land degradation, pollution and waste production. 40 45

- (4) With respect to subsection (3)(a), (b) and (c), measures in the strategy must seek to achieve the objectives by reducing the United Kingdom's gross greenhouse gas emissions, and those in respect of imports to the United Kingdom, as far and as rapidly as possible.
- (5) The strategy must – 5
- (a) in the opinion of the Secretary of State, be projected to have an overall positive impact on –
- (i) local communities with a high deprivation rating according to Government deprivation indices; 10
- (ii) young people; and
- (iii) people with protected characteristics under section 4 of the Equality Act 2010; 15
- (b) set out how the requirements under paragraph (a) have been met; and
- (c) include financial support and retraining for people whose livelihoods and jobs will be affected by the proposed measures – including those measures that require transitioning out of industries characterised by high emissions and high impacts on ecosystems. 15
- (6) The strategy may include measures in areas of devolved legislative competence subject to section 5.

3 Public involvement 20

- (1) The Secretary of State must, within three months of the passing of this Act, procure, by open tender, an expert independent body to establish a Climate and Nature Assembly ('the Assembly') comprising a representative sample of the United Kingdom population.
- (2) The body appointed pursuant to subsection (1) must secure the establishment of the Assembly within three months of appointment. 25
- (3) The Assembly must consider relevant expert advice and publish its recommendations for measures to be included in the strategy.
- (4) Working together, the Climate Change Committee (CCC) and the Joint Nature Conservation Committee (JNCC) must – 30
- (a) review the Assembly's recommendations under subsection (3) and relevant expert advice; and
- (b) publish a joint proposal for measures to be included in the strategy, including all recommendations by the Assembly that have the support of 66% or more of its members unless, in the opinion of either the CCC or the JNCC, there are exceptional and compelling reasons, which must be stated, not to implement those recommendations. 35
- (5) The Secretary of State must include in the strategy all recommendations by the Assembly that have the support of 66% or more of its members, where those recommendations are also jointly proposed by the CCC and the JNCC. 40
- (6) Subsection (5) does not apply where, in the opinion of the Secretary of State, there are exceptional and compelling reasons, which must be stated in the strategy, not to implement those recommendations.

4 Duties of the Committee on Climate Change and the Joint Nature Conservation Committee

- (1) The CCC and the JNCC must—
 - (a) evaluate, monitor and report annually on the implementation of the strategy and on the achievement of the interim targets; 5
 - (b) undertake the duties referred to in sections 3 and 6.
- (2) The CCC must recommend annual emissions budgets for each greenhouse gas for the United Kingdom, Scotland, Wales and Northern Ireland with a view to the requirements of section 2 being met.

5 Approval by devolved legislatures 10

- (1) The targets in section 1 apply to matters of devolved legislative competence if the condition in subsection (2) is met.
- (2) That condition is—
 - (a) in relation to Scotland, that the Scottish Parliament has passed a motion of the form “That this Parliament agrees to the climate and nature targets in section 1 of the Climate and Ecology Act 2022”; 15
 - (b) in relation to Wales, that Senedd Cymru has passed a motion of the form “That the Senedd agrees to the climate and nature targets in section 1 of the Climate and Ecology Act 2022”; 20
 - (c) in relation to Northern Ireland, that the Northern Ireland Assembly has passed a motion of the form “That this Assembly agrees to the climate and nature targets in section 1 of the Climate and Ecology Act 2022”.
- (3) The strategy under subsection (2) may include measures in areas of devolved legislative competence if the condition in subsection (4) is met. 25
- (4) That condition is—
 - (a) in relation to matters within the legislative competence of the Scottish Parliament, that the Scottish Parliament has passed a motion of the form “That this Parliament agrees to the measures in the Climate and Nature Strategy”; 30
 - (b) in relation to matters within the legislative competence of Senedd Cymru, that Senedd Cymru has passed a motion of the form “That this Senedd agrees to the measures in the Climate and Nature Strategy”; and
 - (c) in relation to matters within the legislative competence of the Northern Ireland Assembly, that the Assembly has passed a motion of the form “That this Assembly agrees to the measures in the Climate and Nature Strategy”. 35

6 Acceptance and implementation of the strategy and any revisions

- (1) The Secretary of State must— 40
 - (a) lay the strategy before the House of Commons; and

- (b) arrange for a Minister of the Crown to move a motion for resolution of the House of Commons of the form in subsection (2).
- (2) The form of the motion is “That this House approves the Climate and Nature Strategy, laid before this House on [date], without amendment.”
- (3) The Secretary of State must implement the strategy, including— 5
- (a) any amendments made to the strategy in accordance with the resolution of the House of Commons under subsection (2); and
- (b) any revisions made under subsection (5).
- (4) The Secretary of State must report annually to Parliament on the implementation of the strategy or any revisions thereto; and on progress towards achieving the objectives and interim targets under sections 1 and 2. 10
- (5) If, at any time, in the opinion of the Secretary of State, the CCC or the JNCC based on up-to-date scientific evidence, or of the House of Commons expressed by resolution, the measures in the strategy or the interim targets are unlikely to achieve the objectives, the Secretary of State must revise the strategy, or make a statement to the House of Commons explaining why a revision is not necessary. 15
- (6) Whenever the strategy is revised under subsection (5), the provisions of subsections (3) and (4) apply.
- 7 Financial provisions** 20
- There is to be paid out of money provided by Parliament—
- (a) any expenditure incurred under or by virtue of this Act, including for the implementation of the strategy; and
- (b) any increase attributable to this Act in the sums payable under any other Act out of money so provided. 25
- 8 Interpretation**
- In this Act—
- “the United Kingdom’s total emissions of carbon dioxide” means (a) all territorial emissions of carbon dioxide from the United Kingdom, and (b) all emissions of carbon dioxide generated by the United Kingdom’s share of international aviation and shipping, emitted between 2020 and 2050; 30
- “emissions of carbon dioxide in respect of imports to the United Kingdom” means emissions of carbon dioxide generated outside the United Kingdom by the production of goods and services that are imported to the United Kingdom; 35
- “remaining global carbon budget” means 400 billion tonnes of carbon dioxide;
- “proportionate share of the remaining global carbon budget” means the share of the remaining global carbon budget in proportion to the United Kingdom’s share of the global population, averaged over the period 2020 to 2050, using United Kingdom forecast population data 40

from the Office for National Statistics and global forecast population data from Shared Socioeconomic Pathway 1;

“greenhouse gas” has the same meaning as in section 92 of the Climate Change Act 2008;

“UNFCCC” means the United Nations Framework Convention on Climate Change which entered into force on 21 March 1994, and all subsequent agreements and protocols arising from it; 5

“the Paris Agreement” means the agreement within the United Nations Framework Convention on Climate Change adopted on 12 December 2015; 10

“nature” includes (a) the abundance, diversity and distribution of animal, plant, fungal and microbial life (b) the extent and condition of habitats, and (c) the health and integrity of ecosystems;

“ecosystems” includes natural and managed ecosystems and the air, soils, water and abundance and diversity of organisms of which they are composed; 15

“UNCBD and its protocols” means the United Nations Convention on Biological Diversity, which entered into force on 29 December 1993, and all subsequent agreements and protocols arising from it;

“the Leaders’ Pledge for Nature” means the agreement of the United Nations Summit on Biodiversity of 28 September 2020; and 20

“the Mitigation and Conservation Hierarchy” means resolution 58 of the World Conservation Congress, hosted by the International Union for Conservation of Nature from 1 to 10 September 2016.

9 Extent, commencement and short title 25

- (1) This Act extends to England and Wales, Scotland, and Northern Ireland.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Climate and Ecology Act 2022.

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Lord Redesdale

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