

SL(5)747 – The Climate Change (Carbon Budgets) (Wales) (Amendment) Regulations 2021

Background and Purpose

Part 2 of the Environment (Wales) Act 2016 (“the 2016 Act”) requires the Welsh Ministers to put in place statutory emissions reduction targets for reducing emissions of greenhouse gases in Wales.

Section 31(1) of the 2016 Act requires that the Welsh Ministers set carbon budgets for each 5-year budgetary period between 2016 and 2050.

These Regulations:

- amend the carbon budget for the budgetary period 2021-2025 so it is limited to an average of 37% (in place of the previous figure of 33%) lower than the baseline;
- set the carbon budget for the budgetary period 2026-2030 so it is limited to an average of 58% lower than the baseline

These Regulations form part of a suite of four instruments that are referred to collectively as the Climate Change (Wales) Regulations 2021.

Procedure

Draft Affirmative.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument:

1. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.

The preamble refers to a draft of the regulations being “laid before and approved by a resolution of *the* Senedd Cymru” [*emphasis added*]. It appears that the inclusion of the definite article is erroneous, as the Government of Wales Act 2006 refers to “Senedd Cymru” throughout, without “the” preceding it.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.



Welsh Government response

The Committee has raised 1 technical point in relation to these Regulations.

The Committee has identified that the preamble refers to a draft of the Regulations being laid before and approved by a resolution of "the Senedd Cymru". This is at odds with the definition in the Government of Wales Act 2006, of "Senedd Cymru", i.e. with no definite article.

We accept that the inclusion of the definite article is erroneous. If approved by the Senedd this will be corrected in the version to be signed by the Minister.

We thank the Committee for their consideration of these Regulations.

Committee Consideration

The Committee considered the instrument and Government response at its meeting on 1 March 2021 and reports to the Senedd in line with the reporting point above.

