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CLIMATE CHANGE BILL 2020

A BILL to set a target year of 2050 and to make provision for the setting of interim targets for the reduction of greenhouse gas emissions; to make provision about the mitigation of climate change and the enhancement of natural carbon storage; to impose climate change duties on public bodies; to make provision for energy generation and energy use and for the reduction and recycling of waste; and for connected purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

PART 1 — INTRODUCTORY

1 Short title

The short title of this Act is the Climate Change Act 2020.

2 Commencement

- (1) Parts 1 and 2, sections 9, 11, 12, 11, 13, 14, 15 and 16, and Parts 4 and 5 of, and paragraph 2, 4 and 5 of the Schedule to, this Act come into operation on the day on which this Act is passed.
- (2) Section 37 of this Act comes into operation on the day on which this Act is passed to the extent that it is required to enable paragraphs 2, 4 and 5 of the Schedule to the Act to come into operation.
- (3) The remaining provisions of this Act come into operation on such day or days as the Council of Ministers may by order appoint and different days may be appointed for different provisions and for different purposes.
- (4) An order under subsection (3) may include such consequential, incidental, supplemental, transitional, transitory or savings provisions as the Council of Ministers considers necessary or expedient in connection with the coming into operation of any provision of this Act.

PART 2 — DEFINITIONS

3 Interpretation

- (1) In this Act, unless the context otherwise requires —

- “baseline”** has the meaning given in section 5(1);
- “baseline year”** has the meaning given in section 5(2);
- “carbon intensity”** means the amount of carbon by weight emitted per unit of energy consumed;
- “carbon unit”** has the meaning given in section 16(6);
- “climate justice principle”** has the meaning given in section 8(2);
- “climate change duties”** means the duties of public bodies described in section 21;
- “current International carbon reporting practice”** has the meaning given in section 6(1);
- “Department”** means the Department of Environment, Food and Agriculture;
- “domestic effort”** means the reduction in emissions of greenhouse gases as a result of mitigating actions taken on the Island;
- “ecosystem services”** means the services provided by wildlife and its habitats in providing resilience against climate change impacts for the benefit of humans;
- “emissions”**, in relation to a greenhouse gas, means emissions of that gas into the atmosphere that are attributable to human activity;
- “energy intensity”** means the ratio of total energy supplied to gross domestic product;
- “greenhouse gas”** has the meaning given by section 4;
- “International carbon reporting practice”** has the meaning given in section 6(1);
- “interim target”** is a target set under section 10;
- “Isle of Man emissions”**, in relation to a greenhouse gas, means emissions of that gas which are attributable to the Isle of Man under section 13;
- “Isle of Man Government Action Plan”** means —
- (a) the Isle of Man Government Action Plan for Achieving Net Zero Emissions by 2050 Phase 1, laid before Tynwald Court on 21 January 2020, GD 2019/0101; and
 - (b) any other plan for achieving net zero emissions by 2050 that was laid before Tynwald before the coming into operation of section 17;
- “Isle of Man removals”** has the meaning given by section 15(2);
- “just transition principles”** has the meaning given by section 8(1);
- “net Isle of Man emissions”** for a period, in relation to a greenhouse gas, means the amount of Isle of Man emissions of that gas for the period reduced by the amount of Isle of Man removals of that gas for the period;
- “net Isle of Man emissions account”** means in relation to a year the aggregate amount of net Isle of Man emissions of greenhouse gases in that year;
- “net zero emissions target”** has the meaning given by section 9;
- “net zero emissions target year”** means the year specified in section 9;
- “plan period”** has the meaning given in section 18(7);
- “public body”** means —

- (a) a public authority within the meaning of section 6(1) of the *Freedom of Information Act 2015*; and
- (b) the Isle of Man Steam Packet Company Limited;

“publish” in relation to any document means publish in a manner likely to bring it to the attention of those affected by it;

“target-setting criteria” means the criteria mentioned in section 11;

“United Nations sustainable development goals” means the goals set out in “Transforming our world: the 2030 Agenda for sustainable development” adopted by the General Assembly of the United Nations by resolution A/Res/70/1 of 25 September 2015.

- (2) The Council of Ministers may by regulations amend the definitions in subsection (1) of “public bodies” and “United Nations sustainable development goals”.

4 Greenhouse gases

asp2009/12/10

- (1) In this Act, a **“greenhouse gas”** means any of the following gases —
 - (a) carbon dioxide;
 - (b) methane;
 - (c) nitrous oxide;
 - (d) hydrofluorocarbons;
 - (e) perfluorocarbons;
 - (f) sulphur hexafluoride;
 - (g) nitrogen trifluoride.
- (2) The Council of Ministers may by regulations amend subsection (1) so as to —
 - (a) add a gas to the list; or
 - (b) modify the description of a greenhouse gas.
- (3) The power in subsection (2)(a) may be exercised only if it appears to the Council of Ministers that an international agreement or arrangement recognises that the gas to be added contributes to climate change.
- (4) Section 35 (consultation) does not apply in relation to regulations made under subsection (2).

5 Meaning of baseline

asp2009/12/11

- (1) In this Act, **“baseline”** means the aggregate amount of —
 - (a) the net Isle of Man emissions of carbon dioxide for 2018; and
 - (b) the net Isle of Man emissions of each other greenhouse gas specified in subsection (2) for the year that is the baseline year for that gas.
- (2) The baseline year for greenhouse gases other than carbon dioxide is —
 - (a) for methane, 2018;
 - (b) for nitrous oxide, 2018;