

Climate and Ecology Bill

[AS INTRODUCED]

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B I L L

TO

Require the Prime Minister to achieve climate and ecology objectives; to give the Secretary of State a duty to create and implement a strategy to achieve those objectives; to establish a Citizens' Assembly to work with the Secretary of State in creating that strategy; to give duties to the Committee on Climate Change regarding the objectives and strategy; 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 Duties of the Prime Minister: climate and ecological emergency objectives

- (1) The Prime Minister must—
 - (a) declare a climate and ecological emergency; and
 - (b) achieve the objectives in subsection (2) ('the objectives') to tackle that emergency. 5
- (2) The objectives in tackling the climate and ecological emergency are to ensure that the United Kingdom—
 - (a) reduces its anthropogenic greenhouse gas emissions ('emissions') at a rate that would be consistent with keeping the global average temperature increase to 1.5 degrees Celsius compared to pre-industrial levels, in accordance with the provisions of the UNFCCC and the Paris Agreement, taking into account—
 - (i) the United Kingdom's greenhouse gas footprint, and
 - (ii) the United Kingdom's and other countries' common but differentiated responsibilities, and respective capabilities, given national circumstances; 15
 - (b) restores and regenerates biodiverse habitats, natural and human-modified ecosystems and their soils;
 - (c) expands natural ecosystems, wherever possible, and enhances agroecosystems for the purposes of safeguarding their carbon sink capacity and their resilience to global heating; 20
 - (d) actively conserves biodiversity and safeguards ecosystem services; and reduces its overall anthropogenic impact on the variety, abundance and health of soils and biodiversity.

- (3) In seeking to achieve the objectives the Prime Minister must consult—
- (a) the Committee on Climate Change,
 - (b) any other public body or other body charged with protecting the environment in—
 - (i) England 5
 - (ii) Scotland
 - (iii) Wales, or
 - (iv) Northern Ireland, and
 - (c) any other public body or other body deemed appropriate by the Prime Minister. 10

2 Duties of the Secretary of State: Climate and Ecological Emergency Strategy

- (1) The Climate and Ecological Emergency Strategy ('the strategy') is a document that sets out the measures intended to achieve the objectives.
- (2) The Secretary of State must—
- (a) prepare a draft strategy that— 15
 - (i) in his or her opinion will achieve the objectives
 - (ii) adheres to the principles in section 3, and
 - (iii) takes into account recommendations of the Citizens' Assembly under section 4, in accordance with section 5;
 - (b) lay the first draft strategy before Parliament no later than three months after the Citizens' Assembly publishes its first report under section 4(7); and 20
 - (c) lay before Parliament a report containing proposals for revisions to the strategy if he or she thinks such revisions are necessary for the objectives to be achieved. 25
- (3) The Secretary of State must seek the consent of—
- (a) the Scottish Parliament;
 - (b) Senedd Cymru; and
 - (c) the Northern Ireland Assembly
- for any proposed measure in, or revision to, the strategy that is within their legislative competence. 30
- (4) The draft strategy is subject to approval by the House of Commons, in accordance with section 6.
- (5) The Secretary of State must take all reasonable steps to implement the measures in a strategy or revised strategy approved by the House of Commons. 35

3 Principles for the draft strategy

- (1) The draft strategy—
- (a) must set out the steps the Secretary of State will take to reduce the United Kingdom's emissions in accordance with section 1(2)(a), distinguishing between emissions reductions to be achieved— 40

- (i) primarily by reducing the anthropogenic greenhouse gas source, and
 - (ii) by actively restoring and enhancing natural climate solutions within the United Kingdom, including both natural and human-modified ecosystems as resilient carbon sinks; 5
- (b) may count the use of carbon sequestration via negative emissions technologies towards achieving the emissions reduction required under section 1(2)(a) only insofar as it—
 - (i) offsets emissions that cannot be eliminated in the cement, steel and agriculture sectors, 10
 - (ii) compensates for the United Kingdom’s cumulative historical emissions, or
 - (iii) mitigates any overshoot above the global average temperature increase of 1.5 degrees Celsius compared to pre-industrial levels; 15
- (c) may only propose the use of negative emissions technologies for carbon sequestration when the deployment of these would not lead to critical impacts in the United Kingdom and abroad, including—
 - (i) critical impacts on biodiverse habitats, natural and human-modified ecosystems and their soils, 20
 - (ii) critical impacts on food production or water availability, or
 - (iii) any other critical social or ecological impact;
- (d) must contain measures to ensure that the variety, abundance and health of the United Kingdom’s ecosystems, and the ecosystem services they generate, are enhanced by— 25
 - (i) active restoration, and
 - (ii) the minimising of adverse impacts of domestic consumption and production on those systems;
- (e) must ensure that all necessary steps are taken so that domestic UK supply chains and the supply chains of UK imports— 30
 - (i) minimise adverse impacts on ecological systems, including inter alia soils and biodiverse habitats overseas, and
 - (ii) implement conditions to protect the health and resilience of those systems;
- (f) must— 35
 - (i) take into consideration the United Kingdom’s present and historical role in global emissions, and comparative economic situation as indicated by the Paris Agreement, and
 - (ii) apply the principles of international equity and intergenerational equity; 40
- (g) must not disproportionately detrimentally affect—
 - (i) deprived communities; or
 - (ii) people with protected characteristics under section 4 of the Equality Act 2010;
- (h) must include proposals for— 45

- (i) financial support and retraining for people who work in emissions-intensive sectors and industries which will be adversely affected by other proposed measures, and
 - (ii) financial and technological support for developing countries.
- (2) Each measure in the draft strategy must include timeframes within which all necessary actions are to commence and be completed. 5

4 Citizens' Assembly on the Climate and Ecological Emergency

- (1) There shall be a Citizens' Assembly comprising a representative cross-section of the United Kingdom population to work in cooperation with the Secretary of State and to recommend measures to be included in, and revisions to, the draft strategy. 10
- (2) That Citizens' Assembly shall be known as the Citizens' Assembly on the Climate and Ecological Emergency ('the Assembly').
- (3) The Secretary of State must—
- (a) within one week of this Act coming into force, issue a call for tenders for a reputable independent body ('the independent body') to carry out the functions in subsection (4); 15
 - (b) within eight weeks of this Act coming into force, appoint the selected independent body.
- (4) The functions of the independent body are to establish, convene and run the Assembly. 20
- (5) The independent body must—
- (a) commence its work in accordance with subsection (4) immediately upon appointment; and
 - (b) convene the first meeting of the Assembly within five months of this Act coming into force. 25
- (6) The functions of the Assembly are to—
- (a) consider information provided by experts, and by any other persons who have submitted evidence to the Assembly;
 - (b) deliberate as to how the objectives can be achieved in ways consistent with the principles in section 3; 30
 - (c) vote on measures proposed for inclusion in the strategy;
 - (d) seek agreement with the Secretary of State on the content of the strategy;
 - (e) propose revisions to the strategy; and 35
 - (f) report to the Secretary of State in accordance with subsections (7) and (8).
- (7) The first report by the Assembly must—
- (a) contain recommendations for measures to be included in the strategy consistent with the principles in section 3 and agreed by at least sixty-six per cent of the members of the Assembly; 40
 - (b) set out the reasons for each such recommendation; and

- (c) be published within six months of the first meeting of the Assembly.
- (8) The Assembly may make further reports containing proposed amendments to the strategy in order for the objectives to be met, which—
 - (a) must contain recommendations for amendments to the strategy consistent with the principles in section 3 and agreed by at least sixty-six per cent of the members of the Assembly; and 5
 - (b) must set out the reasons for each such recommendation.
- (9) The Secretary of State may by regulations made by statutory instrument make provision about—
 - (a) the establishment and governance of the Assembly; and 10
 - (b) the remuneration and expenses of—
 - (i) members of the Assembly, and
 - (ii) witnesses and other persons involved with the Assembly.
- (10) Regulations under this section may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament. 15

5 Content of the draft strategy and proposed revisions

- (1) The Secretary of State must—
 - (a) include in the draft strategy laid under section 2(2)(b) any recommendation under section 4(7)(a) that is a qualifying recommendation; and 20
 - (b) propose any recommendation under section 4(8)(a) that is a qualifying recommendation as a revision to the strategy.
- (2) A “qualifying recommendation” is one which—
 - (a) was agreed by more than eighty per cent of the members of the Assembly; and 25
 - (b) is not in the category in subsection (5).
- (3) The Secretary of State must consider, and seek agreement with the Assembly with a view to including in the strategy, any recommendation of the Assembly under section 4(7)(a) or 4(8)(a) that—
 - (a) was agreed by more than eighty per cent of the members of the Assembly; and 30
 - (b) is the category in subsection (5).
- (4) The Secretary of State must consider any other recommendation of the Assembly for inclusion in the strategy and lay before Parliament a report explaining his or her reasons for agreeing or disagreeing with it—
 - (a) in the case of a recommendation under section 4(7)(a), no later than the day on which the draft strategy is so laid; and 35
 - (b) in the case of a recommendation section 4(8)(a), no later than one week after that recommendation is made. 40
- (5) The category in this section is a recommendation that has as its main object—
 - (a) disbursing public funds; or

(b) imposing charges upon the people;

- (6) Any question over subsection (5) shall be determined by the Speaker of the House of Commons.

6 Approval and amendment of the strategy by the House of Commons

- (1) A measure forms part of the strategy if a motion containing it of the form in subsection (2) is agreed by the House of Commons. 5
- (2) The form of the motion is “That this House approves [text of measure(s)] to be included in the Climate and Ecological Emergency Strategy”.
- (3) The Secretary of State must move a motion of the form in subsection (2) containing the text of any recommendation under section 4(7)(a) that is a qualifying recommendation as soon as reasonably practicable after laying the draft strategy under section 2(2)(b). 10
- (4) The strategy may be amended if a motion of the form in subsection (5) is agreed by the House of Commons.
- (5) The form of the motion is “That this House amends the Climate and Ecological Emergency Strategy as follows – [text of amendment(s)]”. 15
- (6) The Secretary of State must move a motion of the form in subsection (5) containing the text of any recommendation under section 4(8)(a) that is a qualifying recommendation as soon as reasonably practicable after that recommendation is made. 20

7 Amendments to the Climate Change Act 2008

- (1) The Climate Change Act 2008 (“the 2008 Act”) is amended as follows.
- (2) After section 8(2) (setting of carbon budgets for budgetary periods) insert –
- “(2A) Annual carbon budgets must be set in a manner consistent with –
- (a) meeting the objectives in sections 1 and 2 (duties of the Prime Minister and Secretary of State) of the Climate and Ecology Act 2020, and 25
- (b) complying with the international obligations of the United Kingdom, including the provisions of the United Nations Framework Convention on Climate Change and the Paris Agreement within that treaty.” 30

- (3) After section 34 (advice in connection with carbon budgets) insert –

“34A Advice in connection with the Climate and Ecology Act 2020

- (1) It is the duty of the Committee on Climate Change to carry out the functions in subsections (2) to (5). 35
- (2) Advise the Prime Minister on achieving the objectives in section 1(2) of the Climate and Ecology Act 2020 (“the 2020 Act”).

- (3) Formulate and publish separate methodologies, for the United Kingdom, to—
- (a) calculate the carbon sink capacity of natural climate solutions;
 - (b) calculate emissions and projected reductions in emissions—
 - (i) including, and 5
 - (ii) excluding
the effects of natural climate solutions in reducing emissions;
 - (c) calculate the extent to which carbon sequestration via negative emissions technologies may—
 - (i) offset emissions that cannot be eliminated in the cement, steel and agriculture sectors, 10
 - (ii) compensate for the United Kingdom’s cumulative historical emissions, or
 - (iii) mitigate any overshoot above the global average temperature increase of 1.5 degrees Celsius compared to pre-industrial levels; 15
 - (d) measure the health of ecosystems, including measures of species abundance, the quality and scope of biodiverse habitats, and soil quality and contamination; and
 - (e) evaluate the impact of the activities of commercial bodies that issue, commission, facilitate, finance or are otherwise involved in import and export supply chains on ecological systems, including on—
 - (i) the extraction of natural resources, 20
 - (ii) land degradation, including but not limited to deforestation and other depletion or reduction of natural ecosystems, 25
 - (iii) pollution, and
 - (iv) waste.
- (4) Publish annual reports on the progress made by the Secretary of State in implementing the measures in a strategy or amended strategy under section 2(5) of the 2020 Act. 30
- (5) Determine what constitutes “critical impacts” in section 3(1)(c) of the 2020 Act.
- (6) In carrying out its work under this section, the Committee on Climate Change must— 35
- (a) base and seek to develop its advice using—
 - (i) transparent and scientific interpretation of the objectives specified in section 1 of the 2020 Act, 40
 - (ii) the perspectives of the Intergovernmental Science-Policy Platform on Biodiversity, and
 - (iii) the methodologies from the Biodiversity Metric 2.0;
 - (b) acknowledge and abide by the environmental principles, including the precautionary principle, implicit in the objectives in section 1 of the 2020 Act. 45

(7) Terms in this section have the same meaning as in the 2020 Act.”

8 Interpretation

In this Act—

- “agroecosystems” means the set of relationships and interactions between soils, climates, cultivated plants, organisms of different trophic levels, and human groups in areas of agricultural production; 5
- “anthropogenic greenhouse gas source” means any human activities that lead to a release of any greenhouse gas into the atmosphere;
- “anthropogenic impact” means the direct and indirect negative influences of human action on water, soil and biodiversity; 10
- “biodiverse habitats” means land and water habitats that are abundant in the number of living species;
- “carbon sequestration” means the process by which carbon sinks remove carbon dioxide from the atmosphere;
- “carbon sink capacity” means the ability of natural reservoirs including (without prejudice to the generality) woodlands, wetlands, peatlands and soils to absorb more carbon than they emit; 15
- “deprived community” is a community with a high rating of deprivation, according to Government indices of deprivation;
- “ecosystems” includes both natural and human-modified land and water ecosystems, such as agroecosystems and urban ecosystems; 20
- “greenhouse gases” means carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and any other gas designated as “a greenhouse gas” by the Committee on Climate Change; 25
- “natural climate solutions” means the active restoring and enhancing of both natural and human-modified ecosystems as resilient carbon sinks which include, but are not restricted to, reforestation, sustainable land management, and the restoration of wetlands, peat bogs and coastal ecosystems; 30
- “negative emissions technologies” include, but are not limited to, bioenergy with carbon capture and storage and direct air capture of carbon dioxide and storage that have been independently assessed against standards of quality;
- “the Paris Agreement” is the agreement within the United Nations Framework Convention on Climate Change adopted on 12 December 2015; 35
- “pre-industrial levels” is the global mean temperature over the period 1850-1900;
- “the UNFCCC” is the United Nations Framework Convention on Climate Change adopted on 9 May 1992; 40
- “the United Kingdom’s greenhouse gas footprint” is the sum of—
- (a) all United Kingdom territorial emissions except those generated in the production of goods and services exported from the United Kingdom, 45

- (b) all consumption emissions generated abroad in the production and distribution of goods and services imported to the United Kingdom, and
- (c) all emissions generated from United Kingdom passenger transportation demands related to both personal and commercial passenger travel outside of United Kingdom territory including international aviation, passenger shipping and land-based transport. 5

9 Financial provisions

- (1) *There is to be paid out of money provided by Parliament –* 10
 - (a) *any expenditure incurred under or by virtue of this Act; and*
 - (b) *any increase attributable to this Act in the sums payable under any other Act out of money so provided.*
- (2) *There is to be paid into the Consolidated Fund any increase attributable to this Act in the sums payable into that Fund under any other Act.* 15

10 Extent, commencement and short title

- (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 2020.

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