

# Climate and Ecological Emergency Bill

---

---

**DRAFT**

## CONTENTS

- 1 Duty of the Prime Minister
  - 2 Duty of the Secretary of State
  - 3 Citizens' Assembly on the Climate and Ecological Emergency
  - 4 Content of the Climate and Ecological Emergency Strategy
  - 5 Reviewing the Climate and Ecological Emergency Strategy
  - 6 Duty of the Committee on Climate Change
  - 7 Regulations
  - 8 Financial provisions
  - 9 Interim measures
  - 10 Short title, extent and commencement
-

A

# B I L L

TO

Require the Prime Minister to ensure that the United Kingdom achieves specified objectives in tackling the climate and ecological emergency; 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 the 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 Duty of the Prime Minister

(1) It shall be the duty of the Prime Minister to ensure that the United Kingdom achieves the following objectives ('the objectives') in tackling the climate and ecological emergency, namely –

(a) reduces its greenhouse gas emissions ('emissions') at a rate that would be consistent with keeping the global average temperature increase to 1.5 degrees centigrade compared to pre-industrial levels, in accordance with the provisions of the UNFCCC and the Paris Agreement, regarding the United Kingdom's and other countries' –

(i) common but differentiated responsibilities, and

(ii) respective capabilities, taking into account national circumstances;

(b) restores and regenerates its soils, biodiverse habitats and ecosystems and, wherever possible, expands these in area for the purposes of optimising their carbon sink capacity and their resilience to global heating, and for conserving biodiversity; and

(c) reduces its overall anthropogenic impact on the variety, abundance and health of soils and biodiversity.

(2) In seeking to achieving the objective in 1(1)(a), the Prime Minister must consult with –

(a) the Committee on Climate Change,

(b) any other public body or body charged with protecting the environment in England,

(c) any public body or body charged with protecting the environment in Scotland,

(d) any public body or body charged with protecting the environment in Wales,

- (e) any public body or body charged with protecting the environment in Northern Ireland, and
  - (f) any other public body or body deemed to be appropriate by the Prime Minister.
- (3) If, having pursued the Climate and Ecological Emergency Strategy, the United Kingdom breaches its duties specified in the objectives, the Prime Minister must take steps to rectify the situation.
- (4) In this section –
- (a) “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;
  - (b) “the UNFCCC” is the United Nations Framework Convention on Climate Change adopted on 9 May 1992;
  - (c) “the Paris Agreement” is an agreement within the United Nations Framework Convention on Climate Change adopted on 12 December 2015;
  - (d) “pre-industrial levels” is the global mean temperature over the period 1850-1900;
  - (e) “biodiverse habitats” means habitats that are abundant in living species;
  - (f) “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; and
  - (g) “anthropogenic impact” means the direct and indirect negative influences of human action on soil and biodiversity.

## 2 Duty of the Secretary of State

- (1) The Secretary of State must, within six months of the passing of this Act, prepare and publish a Climate and Ecological Emergency Strategy (“the strategy”) specifying the measures that will, in his or her opinion, achieve the objectives.
- (2) For the purpose of achieving the objectives, the strategy must –
- (a) set out the steps the Secretary of State will take to achieve the objectives, primarily, by actively reducing emissions to the lowest feasible levels, according to the best scientific evidence, irrespective of negative emissions technologies and natural climate solutions;
  - (b) include and take account of all of the United Kingdom’s consumption- and production-related emissions, including, but not limited to –
    - (i) those emissions relating to imports, exports and all those arising from aviation, shipping and land-based transport, and
    - (ii) any other consumption- and production-related emissions, including those arising from the extraction of fossil fuel overseas by persons operating from the United Kingdom;

- (c) only use natural climate solutions as carbon dioxide removal measures for the purpose of achieving the objectives;
  - (d) only include the use of negative emissions technologies as part of removing carbon dioxide from the atmosphere as additional to the objectives, thus increasing the objectives' overall ambition, if the use of those technologies –
    - (i) compensates for emissions that cannot be completely eliminated from the agricultural, cement and steel sectors, and
    - (ii) compensates for the United Kingdom's historical contribution to global heating;
  - (e) ensure that negative emissions technologies are not used to compensate for emissions generated via the energy supply sector;
  - (f) ensure that the variety, abundance and health of the United Kingdom's ecosystems, and the ecosystem services they generate, are enhanced by –
    - (i) actively restoring, and
    - (ii) minimising the adverse impacts of domestic consumption and production on those systems;
  - (g) ensure that all necessary steps are taken so that the supply chains of imports and exports –
    - (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; and
  - (h) ensure that the measures in the strategy –
    - (i) take into consideration –
      - (a) the United Kingdom's present and historical role in global emissions, and comparative economic situations as indicated by the Paris Agreement; and on the basis of
      - (b) international equity, and
      - (c) intergenerational equity;
    - (ii) do not disproportionately impact deprived communities;
    - (iii) do not disproportionately impact people with protected characteristics contained within section 4 of the Equality Act 2010;
    - (iv) include adequate financial support and retraining for people working in emissions-intensive sectors and industries which are impacted upon by the proposed measures; and
    - (v) provide guidance on financial and technological support to low-emitting countries; and
  - (i) incorporate the time frames within which all necessary actions are to be commenced and completed.
- (3) In this section –
- (a) "natural climate solutions" includes, but is not restricted to, reforestation, sustainable land management, and the restoration of wetlands, peat bogs and coastal ecosystems;

- (b) “energy supply sector” includes, but is not restricted to, the extraction, conversion, storage, transmission and distribution processes that deliver final energy to the end-use sectors; and
  - (c) “deprived community” is a community with a high rating of deprivation, according to Government indices of deprivation.
- (4) Negative emissions technologies and natural climate solutions may be used to compensate for the level of the United Kingdom’s emissions that is consistent with reducing any overshoot of the global average temperature increase of 1.5 degrees centigrade compared to pre-industrial levels for the purpose of achieving the objectives.
- (5) The Secretary of State must, within two weeks of the passing of this Act, issue a call for tenders for a reputable, independent body (‘the independent body’) to establish the Citizens’ Assembly on the Climate and Ecological Emergency (‘the Assembly’) to work in cooperation with the Secretary of State and to recommend measures to be included in the strategy.
- (6) Within one month after the passing of this Act, the Secretary of State shall appoint the independent body to establish the Assembly.

### **3 Citizens’ Assembly on the Climate and Ecological Emergency**

- (1) 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 how the objectives can be achieved;
  - (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
  - (f) report to the Secretary of State in accordance with subsections (2) and (3).
- (2) The first report by the Assembly must –
- (a) contain recommendations for measures to be included in the strategy agreed by at least sixty six per cent of the members of the Assembly;
  - (b) set out the reasons for each such recommendation; and
  - (c) be published as soon as is reasonably practicable, and in any event within four months of this section coming into force.
- (3) Further reports on proposed amendments to the strategy by the Assembly –
- (a) may contain recommendations for amendments to the strategy agreed by at least sixty six per cent of the members of the Assembly; and
  - (b) must set out the reasons for each such recommendation.

### **4 Content of the Climate and Ecological Emergency Strategy**

- (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.

(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 strategy may be amended if a motion of the form in subsection (4) is agreed by the House of Commons.

(4) The form of the motion is “That this House amends the Climate and Ecological Emergency Strategy as follows – [text of amendment(s)]”.

(5) The Secretary of State –

(a) must consider each recommendation of the Assembly under section 3(2)(a) or 3(3)(a);

(b) may move a motion under subsection (2) or subsection (4) containing any such recommendation.

(6) If a recommendation of the Assembly was agreed by more than eighty per cent of the members of the Assembly, the Secretary of State must move a motion containing it under subsection (2) or subsection (4) as appropriate, subject to the exceptions in subsection (8).

(7) The Secretary of State must seek agreement with the Assembly over any recommendation of the Assembly which was agreed by more than eighty per cent of the members of the Assembly but is an exception under subsection (8).

(8) The exceptions are that the recommendation has as its main object –

(a) disbursing public funds; or

(b) imposing charges upon the people.

(9) Any question over subsection (8) shall be determined by the Speaker of the House of Commons.

(10) The Secretary of State must lay the strategy before Parliament.

(11) The strategy must include the Secretary of State’s decisions, and the reasons for their decisions, regarding the recommendations of the Assembly.

(12) The Secretary of State must implement the strategy to achieve the objectives.

## **5 Reviewing the Climate and Ecological Emergency Strategy**

(1) If, in the opinion of the Secretary of State, or the Assembly, the objectives will not, or will not be likely to, be achieved by the strategy, the Secretary of State must review and revise the strategy so that the objectives will be achieved.

(2) The Assembly may make recommendations regarding the revision of the strategy.

(3) The Secretary of State must implement any revised strategy to achieve the objectives

## **6 Duty of the Committee on Climate Change**

(1) The Climate Change Act 2008 (“the 2008 Act”) is amended as follows.

(2) For section 8(2) substitute –

“(2) Annual carbon budgets must be set with a view to meeting –

(a) the objectives in section 1 (duty of the Prime Minister) of the Climate and Ecological Emergency Act 2020,

(b) the requirements of the strategy specified in section 2 (duty of the Secretary of State) of the Climate and Ecological Emergency Act 2020,

and 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.”

(3) Section 33 is replaced –

“33A It is the duty of the Committee on Climate Change to –

(1) give the opinion specified in section 1 of the Climate and Ecological Emergency Act 2020 (“the 2020 Act”);

(2) decide and publish separate methodologies to –

(a) calculate the United Kingdom’s greenhouse gas emissions (‘emissions’) and reductions in emissions, in order to compare the impact of –

(i) including, and

(ii) excluding natural climate solutions on reducing emissions;

(b) calculate the impact of both negative emissions technologies and natural climate solutions in compensating –

(i) for emissions that cannot be completely eliminated from the agricultural, and cement and steel sectors,

(ii) for the United Kingdom’s historical contribution to global heating, and

(iii) for the level of the United Kingdom’s emissions that is consistent with reducing any overshoot of the global average temperature increase of 1.5 degrees centigrade compared to pre-industrial levels pursuant to section 1 of the 2020 Act;

(c) calculate the United Kingdom’s carbon sink capacity by natural climate solutions;

(d) calculate the health of the United Kingdom’s ecosystems, including measures of species abundance, the quality and scope of biodiverse habitats, and soil quality and contamination;

(e) evaluate the activities of commercial bodies that issue, commission, facilitate or are otherwise involved in import and export supply chains

for their impact on ecological systems, including the impact of those bodies on—

- (i) the extraction of natural resources
- (ii) land degradation
- (iii) pollution, and
- (iv) waste;

(3) publish an annual report of the progress made by the Secretary of State in implementing the strategy specified in sections 4(4) and 5(3) of the 2020 Act;

(4) base and seek to develop its advice on—

- (a) a transparent and scientific interpretation of the objectives specified in section 1 of the 2020 Act,
- (b) explicitly communicated value judgments relating to the strategy specified in section 2 of 2020 Act,
- (c) the perspectives of the Intergovernmental Science-Policy Platform on Biodiversity, and
- (d) the methodologies from the Biodiversity Metric 2.0;

(5) acknowledge and abide by the environmental principles, including the precautionary principle, implicit in the objectives contained in the 2020 Act.”

## 7 Regulations

(1) The Secretary of State must make regulations regarding the funding of the Citizens’ Assembly including—

- (a) the remuneration of members of the Citizens’ Assembly, and all costs associated with their attendance, and
- (b) where appropriate, the remuneration of members of the Oversight Panel, the Advisory Board, expert witnesses and other witnesses.

(2) Regulations made under subsection (1) shall be by statutory instrument subject to the affirmative resolution procedure.

(3) The Secretary of State must make regulations regarding the achievement of the objectives and the implementation of the strategy.

(4) Regulations made under subsection (3) shall be statutory instrument and subject to the affirmative resolution procedure and may—

- (a) impose functions (duties and powers) on any person,
- (b) amend any enactment passed or made before this Act or in the same Session,
- (c) make different provision for different purposes, and



(d) contain consequential, supplementary, transitional or transitory provision or savings.

## **8 Financial provisions**

(1) There is to be paid out of money provided by Parliament—

(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.

## **9 Interim measures**

(1) The Prime Minister, the Secretary of State and all other appropriate Ministers of the Crown must, in the period before the adoption of the strategy, take all appropriate measures to reduce the United Kingdom's emissions, restore and regenerate its soils, biodiverse habitats and ecosystems, and reduce its overall anthropogenic impact, provided that those measures do not prevent or prejudice the achievement of the objectives.

## **10 Short title, extent and commencement**

(1) This Act may be cited as the Climate and Ecological Emergency Act 2020.

(2) This Act extends to the whole of the United Kingdom, provided that the Secretary of State secures the consent of the Scottish Parliament, the Senedd Cymru and the Northern Ireland Assembly before taking any action in Scotland, Wales and Northern Ireland on devolved matters.

(3) This Act, subject to subsection (2), comes into force on the day on which it is passed.

---

# Climate and Ecological Emergency Bill

---

---

A

## B I L L

TO

Require the Prime Minister to ensure that the United Kingdom achieves specified objectives in tackling the climate and ecological emergency; 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 the strategy; and for connected purposes.

DRAFT

---

*Drafted by the Climate and Ecological Emergency Bill Alliance*

---

*August 2020*