

Julie James AS/MS
Y Gweinidog Newid Hinsawdd
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Llywodraeth Cymru
Welsh Government

Legislation, Justice & Constitution Committee
Welsh Parliament
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17 January 2023

Dear Committee Members

Thank you for your report on the Memorandum for The Climate Change (Targeted Greenhouse Gases) Order 2022 - November 2022. Please see the attached response to the recommendation.

Yours sincerely

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

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Minister for Climate Change

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Written Response by the Welsh Government to the Legislation, Justice and Constitution Committee on the Memorandum for The Climate Change (Targeted Greenhouse Gases) Order 2022 - November 2022

The UK Government laid a draft of The Climate Change (Targeted Greenhouse Gases) Order 2022 (the Order) before the UK Parliament on 19 October 2022¹.

The Order makes provision in respect of emissions for the purpose of carbon reporting under the Climate Change Act 2008. The result is that NF₃ [nitrogen trifluoride] emissions will be included within the scope of emissions recorded for the Annual Statement of Emissions 2021, the full accounting period for the UK's Third Carbon Budget (2018-2022), and for subsequent UK carbon budgets.

Standing Order 30A states that a member of the government must lay a Statutory Instrument Consent Memorandum in relation to any statutory instrument, or a draft statutory instrument, laid before the UK Parliament by UK Ministers which makes provision ("relevant provision") in relation to Wales amending primary legislation within the legislative competence of the Senedd.

On 21 October, I laid before the Senedd a Statutory Instrument Consent Memorandum (the Memorandum) for the Order, in accordance with Standing Order 30A and wrote to the Legislation, Justice and Constitution Committee and the Climate Change, Environment and Infrastructure Committee.

I would like to thank the members of the Legislation, Justice and Constitution Committee for their report on the Memorandum for The Climate Change (Targeted Greenhouse Gases). I am particularly pleased to see they are content with the detail within the Memorandum. I have set out my response to the Report's individual recommendation below.

Response to the report's recommendations are set out below:

Recommendation 1. The Committee recommended

The Minister should table a motion under Standing Order 30A.10 to seek the Senedd's agreement to the inclusion of relevant provision in The Climate Change (Targeted Greenhouse Gases) Order 2022.

Response – Reject

The Order brings relevant provisions in the Climate Change Act 2008 in line with provision in the Environment (Wales) Act 2016, and in my view was neither novel nor contentious. I therefore did not table a motion for this SICM in line with the position set out in the First Minister's letter of November 2020, and in compliance with the requirements of Standing Order 30A. The Order was subsequently made by the Secretary of State on 11 January.

¹ [The Climate Change \(Targeted Greenhouse Gases\) Order 2022 \(senedd.wales\)](https://www.senedd.wales)

However, I recognise the Committee's concerns with regards these processes and in particular note the recent correspondence from the Committee surrounding clarification of Standing Order 30A. I would of course welcome further engagement on any such clarification or review of Standing Order 30A.