

SL(6)659 – The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2025

Background and Purpose

These Regulations form part of a suite of Regulations that are referred to collectively as the Climate Change (Wales) Regulations 2025, which also include the Climate Change (Carbon Budget) (Wales) Regulations (which set a carbon budget, known as Carbon Budget 4, for 2031-2035) and the Carbon Accounting (Wales) (Amendment) Regulations 2025 (which amend the definition of a carbon unit).

These Regulations set a limit on the amount of carbon units that may be credited to the net Welsh emissions account, in accordance with section 33(4) of the Environment (Wales) Act 2016 (the "2016 Act").

Regulation 2 limits the number of carbon units that may be credited to the net Welsh emissions account for the budgetary period 2026-2030 to 0% of the carbon budget.

Before laying the draft Regulations, the Welsh Ministers obtained and took into account the advice of the Committee on Climate Change, in accordance with section 49(1) of the 2016 Act.

Procedure

Draft Affirmative.

The Welsh Ministers have laid a draft of these 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;

Regulation 2 refers to a number of terms which are defined by the parent Act to these regulations, the 2016 Act. Section 53 of the 2016 Act defines "carbon unit", "net Welsh emissions account", "budgetary period" and "carbon budget". The Legislation (Wales) Act 2019 does not contain a provision which provides that expressions used in subordinate legislation have the meaning which they bear in the Act under which the subordinate legislation is made. As a result, those terms will not bear the same defined meaning in regulation 2 of these Regulations that they have in Part 2 of the 2016 Act in the absence of



such an express interpretation provision. *Writing Laws for Wales*, paragraph 4.12(1), states as follows:

“A Welsh subordinate instrument should therefore include express provision wherever the intention is to attract meanings from the parent legislation”.

Merits Scrutiny

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

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

28 October 2025



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee