

**5. Climate Change Bill 2020 –
Consideration of clauses commenced**

Mrs Poole-Wilson to move.

The President: We turn now to the Climate Change Bill 2020 for clauses stage.

We have a combined list of amendments, the first of which I will take now, which is the amendment to the long title. I therefore call on Mr Mercer.

190 **Mr Mercer:** Thank you, Mr President.

I understand that it is unusual to move amendments to the long title of a Bill, but I make no apology for doing so in this case. The threat we are facing is unprecedented, and it deserves an unprecedented response. I almost feel embarrassed to be proposing this change to the long title, as it still feels woefully inadequate to the task.

195 Before we appointed an external expert, the date we see in the long title of this Bill had been decided. What evidence was presented to support that date? None. What did the later public consultations say? They said that 2050 is nowhere near ambitious enough. Once appointed, did we ask Prof. Curran to suggest a date that could be realistically achieved? No. The terms of reference given to the Professor told him to create a plan that would take us to net-zero by 2050.
200 This was a mistake and Government boxed him in. We should have asked him to produce options that would give us a realistic timeline to take us to net-zero and for *him* to suggest dates by which this could be achieved.

This amendment does not pick a date out of thin air, but it does commit the Isle of Man to the high ambition pathway set out by Prof. Curran in his IMPACT report. Despite the mistake made in the terms of reference, Prof. Curran has suggested that by following this pathway there is the potential for the Isle of Man to achieve net-zero by 2045. Without this amendment, this Bill lacks the intent required to deliver on this climate challenge. The Professor's report also warns us that the lower ambition pathway gives us no room for slippage or unexpected problems.
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The IMPACT report made eight recommendations, the first and second of these was that the high ambition pathway be adopted. I would also point out that recent statements made by Ministers and Members of the Keys signals an intent to commit to that path. This amendment draws on those statements and puts those promises into law.
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Mr Peake, the Hon. Member who sits on the Climate Transformation Board, repeated in his remarks in the other place on 9th February:

So if there is any doubt left, then I just hope that people actually do make sure that it is clear and that is the high-ambition pathway that we are following.

215 In the 23rd February sitting, Minister Harmer remarked:

... that absolutely our aspiration is for the higher ambition path and that we are doing everything we can to do that.

In the same sitting Minister Boot, remarked:

... you will see that there are a number of things that we are doing within the Department to aid the transformation and achieve the higher ambition pathway. We are not holding back, [*he said*] we are moving forward and the plan we have, the pathway with the first phase is well advanced and I think will set the scene going forward.

Hon. Members, we must ask ourselves, is this an emergency or is it not? Does this Bill enable us to do what is necessary?

220 Mr President, it feels hard asking about this climate emergency when we are still reeling from the effects of the COVID pandemic. We have learnt from our COVID response, though. We have learnt that Government can act decisively. We have learnt that we the public can be agile. We have learnt that the machinery of Government can deliver apace.

Deliver apace: that is what we need right now if we are going to meet this challenge.

225 Prof. Curran warned that the timelines we had available to us had very little room for slippage, and right now we are wasting valuable time. Hon. Members, let's not waste any more time. Let us be ambitious and let us enable what was asked for by the public. Please support this amendment.

Mr President, I beg to move the amendment numbered 1 standing in my name:

Amendment to the long title:

1. Page 13, line 1, for '2050' substitute «2045».

230 **The President:** Thank you.
Miss August-Hanson.

Miss August-Hanson: Thank you, Mr President. I beg to second and reserve my remarks.

235 **The President:** Mrs Lord-Brennan.

Mrs Lord-Brennan: Thank you, Mr President.

240 I think the point that Mr Mercer raises in his amendment, which is to change the date on the Bill from 2050 to 2045 in the long title, and his frustration with that and capturing the frustration, based on consultation responses and, indeed, the seeming support for the higher ambition pathway in the other place and as it would appear by Ministers, I recognise that, but it is indicative of the issues actually with this Bill. But I take a slightly different view. Hon. Members will remember I have said that I have concerns on this Bill. I feel that the real impact will in fact come from actions, the action plan, proper infrastructure, proper energy sourcing, importantly, accountability, and Government plans that make a difference.

245 So Mr President, I support the spirit of what Mr Mercer is saying, but I am a realist in that I think that it is not the dates on a page in this Bill that will make a difference, sadly, although it is sad that that is the case. I therefore think two things. That although recognising tension, I just think, actually, that change will change nothing, and that is really sad. I do not agree that the machinery of Government has proven that it can deliver apace. I feel that we have got a long way to go.

250 But there is another aspect to this for me. That I would love to hear, if it were to be the case, and I do not expect it is, but if Government were to be able to say, yes, we all support this and actually we recognise it would be much better to go for something more ambitious than 2050, and certainly ... I mean, if we are not sorted by 2045, we are in a real bad place anyway. But Government change of this nature requires Government to be bought in now. If they are not supportive of this, it is quite hard to force that from this place. I do not actually think it is for Legislative Council to in particular settle this date.

260 I actually recall the Tynwald debate that was had around all of this. We spoke about many things. I think the conclusion that Tynwald came to was an aspiration for our higher pathway, but that everybody recognised that it was not going to be about the dates. This is why I have come back to my point about the Bill being something that is stating many things, but the achievability of what happens underneath that Bill is something else.

265 So if it is going to be supported overall by Government, if Council are going to support this broadly, I may support it, but I do not think it is getting to the nub of the issue. All it would do is just change that number, and we need actions, not just a change on the number in the long title in this Bill. I do not think it is going to resolve it for the reasons I have already said about this Bill overall. I thank Mr Mercer though for getting us to think about it.

Thank you, Mr President.

270 **The President:** Thank you.

Miss August-Hanson.

Miss August-Hanson: Thank you, Mr President. I will make this quite brief.

275 I have supported, certainly since Mr Hooper and I have had our conversations in the very early
days before the debate in Tynwald about 2035. I am still supportive of 2035, but I am not bringing
an amendment to that effect because of the two debates that we have already had, from Tynwald
and also in the other place. I understand exactly where Mr Mercer is coming from in bringing this
because I know how passionate he is about this issue and because I think that there are an awful
lot of Members of Tynwald, particularly those that are on the back benches, that are a little bit
280 underwhelmed by the, I suppose level of ambition in 2050, because I think that an awful lot of us
do believe that we can get there an awful lot quicker. We are quite impatient for that because this
is very much an issue of our time and we believe in it.

I would say, though, that it is not just the Council of Ministers that are responsible for getting
us there. I think it is also a responsibility of Tynwald and so, just to conclude my remarks on this
285 amendment, I just have to say I am hopeful that parliament itself will in due course step up to
having some form of a Committee that will provide the external scrutiny that is needed in taking
us to where we need to go in the most ambitious way possible, that clarifies debate, focuses on
issues, provides evidence, transparency and the accountability that is needed in terms of getting
Government and helping Government, aiding Government and being that critical friend to get us
290 where we have to be, and to inspire the people of the Isle of Man to get us where we need to be,
because those are the people that we need the buy-in from.

Thank you.

The President: Thank you.

295 Mrs Lord-Brennan.

Mrs Lord-Brennan: Thank you, Mr President.

There were just two other points that I thought it would be helpful to make at this stage. Firstly,
when I had supported and voiced the need and benefit for taking evidence on this Bill, this
300 probably would have been the sort of thing that it would have been helpful to bear out. Clearly
any change in this would have been helpful to have input or hear directly from Ministers who
would ultimately hold significant sway on whether this were to be acceptable in the other place.
We could have heard from Prof. Curran, we could have then maybe also had some kind of
comparison as to whether other jurisdictions have changed their date.

305 So I would have wanted to settle that sort of thing, perhaps by taking evidence. That was not
something the Council felt able to support. The reason I say this is because if this is successful, it
is still going to need to be supported by the House of Keys, quite understandably, so we would
need some kind of expectation on that and something to back that up, I think.

But the other point I really wanted to make is that we keep hearing – and I would ask Members
310 to listen out for it – that legislation or amendments ‘will enable’. There is no blanket law to stop a
lot of the things that we are saying will be enabled by this Bill or by provisions in this Bill. I think
that as legislators, we really need to get out of the mindset that just putting something down on
a piece of paper, it hypothetically might enable it, but there may be nothing to stop it in the first
place. It is a different case where something is *requiring* something to *enabling* something, is what
315 I would say.

So I just think we should be really aware on this, because I think that we get ourselves caught
in what may be and what might not be, and we do not *need* legislation to enable everything. There
is not necessarily barriers to everything.

Thank you, Mr President.

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The President: Thank you.

Lord Bishop.

The Lord Bishop: Thank you, Mr President.

325 I acknowledge the points made about the limitation that this amendment might have, but I think I would still like to thank Hon. Member, Mr Mercer, for bringing this amendment.

I am reminded of how at First Reading I spoke of a similar process at the General Synod of the Church of England, where an originally proposed date of 2045 was amended to the *radical* date of 2030, and no matter what the effects of this amendment might be, it at least carries something for us by way of aspiration. It acknowledges that greater urgency about which Mr Mercer and many of us I think feel very strongly.

I acknowledge that it is procedurally unusual. I will be interested to hear the comments of other colleagues. But I do thank Hon. Member, Mr Mercer, and in principle I am supportive of an amendment that seeks to give us that greater aspiration of urgency.

335 Thank you, Mr President.

The President: Mrs Maska.

Mrs Maska: Thank you, Mr President.

340 I absolutely respect and understand the passion that Mr Mercer brings to moving this amendment today. I think we *all* share the sense of urgency that attaches to this climate change emergency, and from other debates that have happened, I identify with trying to take measures forward in a meaningful way and, as my hon. colleague Mrs Lord-Brennan has said, putting a date on a piece of paper may not achieve the world-changing effect that we would all like.

345 I do get comfort from the fact that the Bill does provide in clause 10 that interim targets are to be set, and those target dates cannot move back; they can only move forward. So I think – I am being very brief, Mr President, but – the comfort I take from what is contained within the Bill that we *can* aspire to be better, but once we have an interim target date set by April 2022, which is what is required under clause 10, if that is carried, we can keep adjusting and changing our perspective, and I think that is a businesslike way and a responsible way to go forward.

350 So whilst I identify with the real ambition to achieve the higher level pathway which we would *all* like, I am sure, I think we need to put one foot in front of the other, set our first interim target date and see the audit that happens then, just to see what we are faced with. So whilst I admire and understand what is being moved by Mr Mercer, I will not be supporting it today.

355 Thank you, Mr President.

The President: Thank you.
Mrs Sharpe.

360 **Mrs Sharpe:** Thank you, Mr President.

I sympathise, Mr President, with Mr Mercer and I think he sums up in a nutshell very well and very eloquently the fact that our Ministers have committed on the floor of Tynwald to the higher pathway as set out by Prof. Curran, and the fact that Government has proved that it *can* work at speed, as we have seen during the pandemic. So why not change the long title?

365 In actual fact, I feel that the date in itself is not the issue. It is, as Mrs Lord-Brennan pointed out, about the operational aspects. It is about getting the framework in place so that operationally we can move forward. I think for many of us, as for many members of the public, we have had our reservations about setting 2050 as our goal within this Bill, and we have asked, surely it is better to have the highest of aspirations? But I also accept that the Bill does its job in that does *allow* room for aspiration, so long as we keep up the pressure and, as Mrs Maska has just said, make adjustments as we go along.

370 So I do not think that it is for Council at Third Reading to amend the long title right now at this stage, but I do thank Mr Mercer for his thoughtful amendment.

Thank you.

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The President: Thank you.
Mr Greenhill.

Mr Greenhill: Thank you, Mr President.

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I do fully understand the concerns of Mr Mercer. However, I do support the comments made by Mrs Lord-Brennan, Mrs Maska and Mrs Sharpe regarding the best way forward to achieve the earliest possible fulfilment of the intentions of this Bill. I will be voting against the amendment.

Thank you, Mr President.

The President: Thank you.

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Miss August-Hanson.

Miss August-Hanson: Thank you. Again, I will be brief, Mr President.

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Actually, having heard from other Members debating this particular amendment, I think that we are talking about the Bill, and this is no discredit to the officers that have been involved in this and the drafter that has been involved in this, and certainly the mover as well and the mover in the other place, because they have done a great job, certainly in the timeframe, but for me when we have a piece of framework legislation in front of us, I would one day ... [*Technical interference*] ... in our Branch, certainly as these Bills travel through the Branches in the way that they are, that we are seeing a full picture. Because although we are talking about the legislation doing something in various different areas, we are not seeing the full picture. We are not seeing everything in front of us that we are able to scrutinise once this piece is finished and is ready to go live.

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I think that a change of attitude perhaps is needed there, or change of procedure in bringing pieces of legislation that are framework pieces of legislation before us. So if words and changing words are the only things that we can do as parliamentarians legislating in our respective Branches, and we do not have the full picture in front of us, as we would prefer to have the full picture in front of us ... I understand resourcing is a difficult thing. The date is not the issue, no, but the *ambition* is the issue. If the only thing that we are able to do to let the Council of Ministers know that this is not enough, whether it be in this place or whether it be in another place, is to change a date, then so be it.

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So regardless of the fact that I can now hear where the vote is likely to lie, I will be voting with the amendment and with Mr Mercer on this one.

The President: Mrs Poole-Wilson.

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Mrs Poole-Wilson: Thank you, Mr President, and thank you to all hon. colleagues who have been speaking and contributing to the debate. It strikes me, as I listen and think about this, that I think we are all talking about the same thing, which is that this is an emergency and we should seek to address and respond to this as quickly as we possibly can.

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I would like to thank Mr Mercer for moving this amendment to allow this discussion because I think in our conversation it is a question of how we best deliver on this ambition. I would have to say I would agree with the remarks made by Mrs Lord-Brennan, Mrs Maska, Mrs Sharpe and Mr Greenhill that a date of 2050, and it is something that is borne out from some focus groups that have already been undertaken with individuals in the Isle of Man, seems very far away, as does 2045. And actually, what is more meaningful and what is important is the action we take now.

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Hon. Members may well recall the debate in 2019 in Tynwald about the target date for net zero and at that time, as a body, Tynwald determined that *more* significant than an end date was meaningful action. Hon. Members, it was *that* that then ensured the appointment of Prof. Curran, the work of the analytical team taking place at pace, and leading directly to the first Tynwald-

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approved action plan to address climate change. Challenges over the last year, not least the pandemic, and certainly for the team of officers working on this Bill, the pressure of addressing the legislation tsunami of Brexit have been difficult. However, work on this Bill has also progressed in a much shorter timescale than would normally be achievable.

430 Mr Mercer and colleagues have referenced that Ministers in another place, and Members, have talked about ambition and have talked about the higher ambition pathway as set out in Prof. Curran's IMPACT report. Hon. Members, in our current situation, with our 2018 emissions 60% higher than they were in 1990, achieving net-zero greenhouse gas emissions by 2050 *is* going to be a significant challenge. It is something Prof. Curran has been clear on in his report and has
435 continued to talk about in his advice as an independent adviser to the Climate Change Transformation Board.

However, setting a 2050 target now does not preclude us from moving to a more ambitious target date in future. As Mrs Maska has said, there is provision in the Bill that allows, importantly, for an interim target, must be set, and that interim target, if it is allied to the high ambition
440 pathway, has the capacity to ensure we take action in the next decade which is really meaningful and which allows us to bring forward our target date for net-zero as empowered by the Bill. It is also right to say that the Bill does not allow any stepping backwards. So we can bring forward our ambition all the time, we *cannot* step back from it.

I think Mrs Lord-Brennan talked about how we compare perhaps with other jurisdictions, and the 2050 net-zero target date is the one that most jurisdictions have adopted around the world,
445 particularly the UK, where the Climate Change Committee acknowledge that even though significant reductions in emissions have already been achieved, to reach net-zero by 2050 will be 'technically feasible' but 'highly challenging'. Similarly, France, Denmark, New Zealand and Hungary have a statutory target for 2050, and the same approach is proposed for the EU, Canada,
450 Chile, Fiji and others, although not yet on a statutory basis. Only Sweden and Scotland have a more ambitious statutory target of 2045 and these are both jurisdictions that have already travelled a long way towards that target through the decarbonisation of their energy sector and other measures.

But Hon. Members, as I say, we have talked about actions and I do think that what the Bill supports is a focus on actions, a focus on climate change action plans, and a focus on delivery. And
455 if we make meaningful, ambitious progress, as Ministers and others in another place have indicated is the absolute intent, for example, progress towards reaching 75% renewable energy by 2035, then we will find that we may well be able to dramatically reduce our emissions much more quickly than anticipated and bring forward our ambition.

So I think, Hon. Members, the Climate Change Transformation Board is not supportive of Mr Mercer's amendment, but the drive for ambition to take meaningful action is what the Board
460 *is* focused on and a focus on meaningful actions with a 2050 net-zero goal, the ability to bring forward that target is what I think will help get us there, and I would ask Hon. Members to recognise this and not at this stage support the amendment to the long title.

465 Thank you, Mr President.

The President: Thank you.

I put to Council then the amendment –

470 **The Clerk:** Mr President, did you want to invite Mr Mercer to respond to the debate?

The President: Mr Mercer, please.

Mr Mercer: Thank you, Mr President, and I thank my hon. colleagues for the debate.

475 I entirely agree with Mrs Lord-Brennan about her comments about actions are what will deliver on this emergency, but I think we can have both. We can have action and we can have ambition. The public wish to see ambition because ambition drives action.

480 The final point I would like to make really is that we are already seeing that 2050 is being used as the target date. When plans are drawn up, they are drawn up with 2050 in mind. My reasoning for bringing this date further forward was actually to say this date is fungible. It is something that can be ratcheted forward in the Bill. But when we see plans being brought forward that are not aiming for dates before that, that troubles me, and that is why I brought this amendment.

485 So again, I thank my hon. colleagues for the debate and for the points raised. That is it, Mr President. Thank you.

The President: Thank you.

I put the question then, the amendment to the long title. I take Council to be in favour of the amendment, unless I see dissent, which I do. Therefore, we shall vote.

Please vote now.

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The Clerk: Mr President, may I take the vote orally ...

The President: Take the vote orally, please, yes.

Voting resulted as follows:

FOR

Miss August-Hanson
The Lord Bishop
Mr Mercer

AGAINST

Mr Greenhill
Mrs Lord-Brennan
Mrs Maska
Mrs Poole-Wilson
Mrs Sharpe

495 **The President:** Thank you, Hon. Members. With 3 votes for and 5 votes against, the amendment fails to carry.

We then turn to clause 1 of the Bill, short title. Mrs Poole-Wilson to move.

Mrs Poole-Wilson: Thank you, Mr President.

500 Clause 1 provides for the Bill's short title. I beg to move that clause 1 stands part of the Bill.

The President: Mrs Sharpe.

Mrs Sharpe: I beg to second and reserve my remarks, Mr President.

505 **The President:** Thank you, Mrs Sharpe; you have seconded.

I put clause 1 and take Council to be in favour. Clause 1 carries.

Mrs Poole Wilson.

Mrs Poole-Wilson: Thank you, Mr President.

510 In line with information I circulated to Hon. Members yesterday, I do not propose to take clause 2 at this sitting. So with your permission, Mr President, I will move on to clause 3.

The President: Thank you.

515 **Mrs Poole-Wilson:** Clause 3 defines the terms used in this Bill and provides cross-references to terms that are defined elsewhere in the Bill. Notable definitions in this clause include the definitions for 'biodiversity', 'ecosystems', 'ecosystem services' and 'climate change', which are all based on the definitions of those terms as set out in various international treaties.

520 This clause includes a definition of 'domestic effort' that here refers to reduction of emissions of greenhouse gases as a consequence of mitigating actions on the Island. The definitions support

the key factor in our net-zero commitment that it will be achieved by 100% domestic effort. Such an approach ensures we take climate change actions locally that while reducing emissions may also have consequential benefits, such as improving our air quality or the diversity of our biosphere. The approach balances our own carbon books whilst encouraging the Island to develop its economy and infrastructure in the future in a manner that can respond effectively to the challenges of climate change.

Having considered debate in another place regarding an improvement to the definition, my hon. colleague, Miss August-Hanson, will be moving an amendment to achieve this by omitting the definition and enhancing the provisions of clause 12, and these amendments brought by Miss August-Hanson today are supported by the Climate Change Transformation Board.

This clause also provides for a definition of the term 'public body', a definition which was amended in another place to now refer to a public authority as defined in section 6(1) of the Freedom of Information Act 2015. Such public authorities are listed in Schedule 1 to that Act and includes persons, bodies, publicly-owned companies and the holder of any office. By using this definition the Bill provides for a consistent consideration of what public bodies fall within what can be broadly considered to be the Isle of Man Government across the statute book and are thus subject to the climate change duties as set out in this Bill.

The clause also allows the Council of Ministers the ability by regulations to update the definitions of 'public body' and 'United Nations sustainable development goals' as and when required. Such occasions may arise when the Council of Ministers may wish to extend or tighten the definition of 'public bodies' as a consequence to changes to the structure of Government, and changes to the definition of 'United Nations sustainable development goals' are anticipated to be required after 2030, which is the deadline for achieving the present goals.

This clause as a whole sets out the vital technical detail required to support other clauses in the Bill.

Mr President, I beg to move that clause 3 stands part of the Bill.

The President: Thank you.

May I have a seconder? Mrs Sharpe, are you seconding?

Mrs Sharpe: Thank you, Mr President. I beg to second.

The President: Miss August-Hanson.

Miss August-Hanson: Thank you, Mr President.

This is a correction. So the amendment that I have put forward is that the net zero emissions target defined in clause 9 as being:

... the net Isle of Man emissions account for the year 2050 [as we know] is at least 100% lower than the baseline ...

So clause 5(1) of the Bill defines the baseline as being:

... the aggregate amount of —

(a) the net ... emissions of carbon dioxide for 2018; and

(b) the net Isle of Man emissions of each other greenhouse gas ... for ... the baseline year —

— as specified in clause 5(2). The definition of the baseline year in clause 3 therefore incorrectly refers to clause 5(1) of the Bill to define that term. This amendment provides the right definition of 'baseline year' so that it means either the year specified in clause 5(1) of the Bill in relation to carbon dioxide or the year specified in clause 5(2) of the Bill in relation to any other greenhouse gas, as defined in clause 4.

Mr President, I beg to move:

Amendment to clause 3:

5. Page 14, line 5, for the definition of 'baseline year' substitute —

«“baseline year” means —

(a) in relation to carbon dioxide, the year specified in section 5(1); or

(b) in relation to another greenhouse gas, the year specified for that gas in section 5(2).».

6. Page 14, lines 25 and 26, omit the definition of 'domestic effort'.

565 **The President:** Mr Mercer.

Mr Mercer: Thank you, Mr President. I beg to second.

The President: Thank you.

Mrs Poole-Wilson.

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Mrs Poole-Wilson: Thank you, Mr President.

I would just like to thank Hon. Member, Miss August-Hanson, for moving these amendments to clause 3. They are supported, as I indicated earlier, and improve the Bill.

Thank you.

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The President: Thank you.

I put then to Council the amendments which are numbered 5 and 6 on the list, the amendments to clause 3. I take Council to be in favour, unless I see dissent. The amendments both carry.

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I put clause 3, as amended, and take Council to be in favour. Clause 3, as amended, carries. Clause 4.

Mrs Poole-Wilson: Thank you, Mr President.

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Clause 4 defines the term 'greenhouse gas' by reference to a list of gases as set out in the clause. The clause was drafted with regard to similar provisions in other jurisdictions, most notably section 10 of the Climate Change (Scotland) Act 2009. If an international agreement recognises that a gas contributes to climate change and it is not listed in this clause then the Council of Ministers may make regulations, after consultation, to amend the list of gases and specify a baseline year for that gas.

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The clause also provides that such regulations may only be made if it appears to the Council of Ministers that no international agreement or arrangement recognises that the gas in question contributes to climate change.

This clause accordingly sets out the greenhouse gases that are intended to be reduced or removed to achieve the net-zero target by 2050.

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Mr President, I beg to move that clause 4 stands part of the Bill.

The President: Mrs Sharpe.

Mrs Sharpe: Thank you, Mr President. I beg to second.

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The President: I put to Council clause 4. I take Council to be in favour. Clause 4 carries. Clause 5.

Mrs Poole-Wilson: Thank you, Mr President.

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For the purposes of the net-zero emissions target described in clause 9 of the Bill, there must be a baseline level of emissions of greenhouse gases against which progress towards a net-zero position can be measured. Clause 5 defines the meaning of the term 'baseline' as being the net Isle of Man emissions for carbon dioxide in 2018. It also prescribes that the baseline year for

610 greenhouse gases other than carbon dioxide, such as methane and nitrous oxide, is also 2018. The Council of Ministers may, after consultation, make regulations to amend this baseline year. Furthermore, if the Council of Ministers add a greenhouse gas, further to regulations made under clause 4, clause 5(4) requires that regulations must be made under this clause to specify a baseline year for that newly added greenhouse gas.

615 This baseline year of 2018 was selected for all the greenhouse gases as it represents the best year in terms of accuracy and comprehensiveness for the Island's emissions data. It was also, at the time the Bill was drafted, the year of the Island's highest emission of greenhouse gases. This clause accordingly sets a benchmark in terms of the levels of emissions against which the success of our efforts to achieve a net-zero target is measured.

620 Mr President, I beg to move that clause 5 stands part of the Bill.

The President: Mrs Sharpe.

Mrs Sharpe: Thank you, Mr President. I beg to second.

625 **The President:** I put to Council that clause 5 do stand part of the Bill. I take Council to be in favour. Clause 5 carries.

Clause 6.

Mrs Poole-Wilson: Thank you, Mr President.

630 Clause 6 defines the standards 'international carbon reporting practice' and 'current international carbon reporting practice'. These standards are defined with regard to accepted practice in relation to international agreements, such as the protocols to the United Nations Framework Convention on Climate Change.

635 The Council of Ministers may revise these standards by regulations in the event such accepted practices change in light of new or updated international agreements. The clause ensures the reporting of our emissions to the UK government or other international bodies is undertaken in line with agreed international standards and practices.

Mr President, I beg to move that clause 6 stands part of the Bill.

640 **The President:** Mrs Sharpe.

Mrs Sharpe: Thank you, Mr President. I beg to second.

645 **The President:** I put to Council that clause 6 do stand part of the Bill. I take Council to be in favour. Clause 6 carries.

Clause 7, please.

Mrs Poole-Wilson: Thank you, Mr President.

650 Clause 7 requires that greenhouse emissions are calculated for the purposes of the Bill in tonnes of carbon dioxide or equivalent and describes how a tonne of carbon dioxide or equivalent is determined in line with current international carbon reporting practice. This provision is required as some greenhouse gases may, per tonne, have a greater or lesser impact on climate change than carbon dioxide. This clause accordingly allows the differing global warming potentials of the varying greenhouse gases to be accounted for in accordance with international practice

655 when determining the Island's emissions of such gases.

Mr President, I beg to move that clause 7 stands part of the Bill.

The President: Mrs Sharpe.

660 **Mrs Sharpe:** Thank you, Mr President. I beg to second.

The President: I put to Council that clause 7 do stand part of the Bill. I take Council to be in favour. Clause 7 carries.

Clause 8.

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Mrs Poole-Wilson: Thank you, Mr President.

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Clause 8 defines the terms 'just transition principles' and 'climate justice principle'. Clause 8(1) sets out in detail the principles that fall within the term 'just transition principles.' Examples include supporting environmentally and socially sustainable jobs, undertaking engagement with a variety of groups, such as businesses and trade unions, and other persons considered appropriate by the Council of Ministers, and creating decent, fair and high-value work in a way that does not negatively affect the current workforce and overall economy. Thanks to helpful discussion with hon. colleagues, Miss August-Hanson today will move an amendment to this particular definition in order to improve the Bill. The principles apply when taking action to reduce net Isle of Man emissions of greenhouse gases.

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Clause 8(2) defines 'climate justice principles' as being the principles of taking action to reduce global emissions of greenhouse gases and to adapt to the effects of climate change in ways which support the people who are most affected by climate change, but who have done the least to cause it, are the least equipped to adapt to its effects and help to address that inequality.

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Clause 8(3) enables the Council of Ministers by regulations to amend these principles as well as published guidelines on the application of these principles.

Taken together, the principles ensure consideration is given by Government to the needs of the Island and those of other countries when preparing and implementing the climate change action plans and when undertaking climate change duties.

685

Mr President, I beg to move that clause 8 stands part of the Bill.

The President: Mrs Sharpe.

Mrs Sharpe: Thank you, Mr President. I beg to second.

690

The President: Miss August-Hanson, please.

Miss August-Hanson: Thank you, Mr President.

695

When reviewing the Bill, my hon. friend, Mr Mercer, as Mrs Poole-Wilson says, expressed concerns to the Department in a virtual briefing organised by the hon. mover that the drafting of the just transition principle set out in clause 8(1)(d) was unclear and that it could be misinterpreted to prevent climate change actions from being taken that would create new jobs due to any negative effect on workforces and the economy.

700

So for example, closing an oilfield and replacing it with offshore wind generation would have a negative impact on the economy, at least in the very short term, as revenue from that oilfield is then lost and workers are forced to seek new employment. The correct application of the climate justice principle will be to phase in those changes over a reasonable timeframe to support workers in retraining for new jobs that would provide decent, fair and high-value work. However, as drafted, this principle could be interpreted as giving greater weight to preventing those job losses and, in the case of the example quoted, keeping the oil fields open.

705

The amendment before Council seeks to make clear that any person applying this principle to a climate change action or duty must do so in a way that mitigates, where possible, the negative impact on the workforce. Furthermore, that the climate change duty or action should still create decent, fair and high-value work that supports the overall economy.

710

After hearing my colleagues' concerns, I am comforted by hearing from the Department as well that the interpretation would be reinforced in any guidelines that would be issued by the Council of Ministers to clause 8(3)(b).

Mr President, I beg to move:

Amendment to clause 8:

7. Page 18, lines 8 and 9, for subsection (1)(d) substitute —

« (d) creates decent, fair and high-value work in a way that supports the overall economy and mitigates, where possible, negative effects on the workforce.».

The President: Mr Mercer.

715 **Mr Mercer:** Thank you, Mr President.

I think Miss August-Hanson has covered that comprehensively, and I beg to second.

The President: Thank you.

Mrs Lord-Brennan.

720

Mrs Lord-Brennan: Thank you, Mr President.

I was looking at these principles in some detail yesterday in relation to the amendment brought by Miss August-Hanson, which I will support. At first sight I was thinking what is the point really in putting these principles in; what is the bearing; what relevance is it going to have on anything? Then I think the key point really is that all these principles, as outlined in clause 8, are linked in by clause 18(5). It links these particular matters in specifically to the climate change action plan so that there is an obligation for that plan to take account of these principles.

725

Thank you, Mr President.

730 **The President:** Thank you.

Mrs Poole-Wilson.

Mrs Poole-Wilson: Thank you, Mr President, and I would like to thank my hon. colleague, Mr Mercer, for his engagement and consideration of this clause and also Miss August-Hanson for moving the amendment, which is definitely supported by the Climate Change Transformation Board and is an improvement to the Bill.

735

I would also like to thank Mrs Lord-Brennan for her very helpful observation, because she is correct. As we debated earlier, the importance is in the actions that are taken, but these principles are to be taken into account; and she is correct, the link is made in clause 18(5), and so in formulating how we deliver net-zero we should have regard to these principles.

740

With that, Mr President, I beg to move.

The President: Thank you.

I put to Council clause 8, first the amendment. The amendment carries unless I see dissent. No dissent.

745

I therefore put clause 8, as amended. That carries.

Clause 9, Mrs Poole-Wilson.

Mrs Poole-Wilson: Thank you, Mr President.

750

Clause 9 requires the Council of Ministers to ensure that the net Isle of Man emissions account for the year 2050, that is to say the net-zero target emissions year, is at least 100% lower than the baseline prescribed in clause 5. This clause, Hon. Members, places on a statutory basis our net-zero emissions target.

The 2050 target year aligns with the targets set down in legislation in the UK and would keep us in line with the Paris Agreement, the aim of which is to limit the global average temperature increases to under two degrees in comparison to pre-industrial temperatures.

755

The Council of Ministers may, after having regard to the target-setting criteria specified in clause 11, and subject to regulations consulted on and approved by Tynwald, change 2050 for an earlier target year. However, the target year cannot be changed to a later year.

760 Mr President, I beg to move that clause 9 stands part of the Bill.

The President: Mrs Sharpe.

Mrs Sharpe: Thank you, Mr President. I beg to second.

765

The President: I put to Council that clause 9 do stand part of the Bill. I take Council to be in favour. Clause 9 carries.

Clause 10.

770 **Mrs Poole-Wilson:** Thank you, Mr President.

Clause 10 enables the Council of Ministers by regulations to set interim targets. Further to feedback from the public consultation, clause 10(1) was amended to require the Council of Ministers on or before 1st April 2022 to set at least one interim target. Further interim targets may be recommended as part of the five-yearly emissions reports produced as a consequence of the provisions set out in clause 20 of this Bill.

775

Interim targets are defined as being the percentage target by which the net Isle of Man emissions account is to be lower than the baseline, as defined in clause 5 by a specified date. When setting an interim target, the Council of Ministers must have regard to the target-setting criteria set out in clause 11. Furthermore, while the Council of Ministers may amend an interim target, the Council of Ministers may *not* substitute a later date for the interim target or set a lower percentage target.

780

Concerns have been raised as to why the Bill does not provide for a series of interim targets to be achieved prior to the net-zero target year. The rationale for this approach has been that the main driver for actions to reduce emissions and achieve net-zero is the undertaking of climate actions set against specific goals for reducing emissions within a set timeframe suitable for that climate action. The monitoring of such actions is then undertaken by the Climate Change Transformation Board and reported annually to Tynwald. This is considered a preferable approach to setting targets for deliverable actions and is supported by the IMPACT report prepared by Prof. Curran.

785

I beg to move that clause 10 stands part of the Bill.

790

The President: Mrs Sharpe.

Mrs Sharpe: Thank you, Mr President. I beg to second.

795

The President: I put the motion that clause 10 do stand part of the Bill. I take Council to be in favour. No dissent, clause 10 carries.

Clause 11.

800 **Mrs Poole-Wilson:** Thank you, Mr President.

Clause 11 sets out the 12 criteria that must be considered by the Council of Ministers when determining to either modify the net-zero emissions target year or set or modify any interim target. Such criteria will notably include up-to-date scientific knowledge and technology relating to climate change, the economic impact a target would have on the Island's economy and fiscal circumstances and the Island's environment, particularly the impact on the Island's biodiversity, ecosystems and ecosystem services.

805

The Council of Ministers may make regulations to amend the criteria specified in this clause. The clause ensures that the Council of Ministers gives careful consideration to the impact of

810 setting or modifying targets and gathers appropriate evidence to support its subsequent decision-making process.

Mr President, I beg to move that clause 11 stands part of the Bill.

The President: Mrs Sharpe.

815 **Mrs Sharpe:** Thank you, Mr President. I beg to second.

The President: I put to Council that clause 11 do stand part of the Bill. I take Council to be in favour. Clause 11 carries.

Clause 12.

820

Mrs Poole-Wilson: Thank you, Mr President.

Clause 12 requires the Council of Ministers to ensure that the net-zero emissions target and any interim targets are based on not less than 100% domestic effort. The concept of domestic effort means meeting our net-zero target and interim targets by mitigating actions that reduce and remove emissions of greenhouse gases and those actions should be taken on the Island, including within its waters.

825 As a consequence of this clause, actions taken to reduce or remove emissions of greenhouse gases outside of the Island cannot be considered for the purposes of the net-zero emissions target and any interim targets. This is an ambitious and challenging route, but it is the responsible thing to do and we believe it is possible.

830 The approach aligns the Island with the stated policies of the UK and Scottish governments, and taking this approach should bring a wide range of additional benefits to our community. By reducing our greenhouse gas emissions we will improve air quality through the significant reduction of air pollution associated with burning fossil fuels in our vehicles and homes. We will also see changes to the way we live, embracing more active transport and other ways of living that will help build a healthier community. And by enhancing the carbon sequestration in our land and seas, we will realise benefits in terms of increased resilience to climate change, improved natural flood-risk management, enhanced biodiversity and improved well-being and recreational opportunities.

840 Furthermore, this approach to achieving net-zero more rapidly focuses the action on Island, as opposed to buying offsets internationally. Through our overseas aid programme we have a commitment to continue to support less-developed countries in a responsible way that aligns with the global journey to net-zero, but we cannot buy our way out of climate action.

845 This does not mean that we cannot benefit from investment in Manx offsetting projects that are funded by off-Island companies, and it also does not preclude the investment of international companies in the development of our renewable energy industry. Those uses of offsetting would still be permitted and companies and individuals can still participate in the voluntary carbon market, which provides additionality.

850 Following on from the amendment approved by Council to clause 3, Miss August-Hanson has an amendment to enhance clause 12, and again I would like to thank her for her involvement in this and confirm that the amendment is supported by the Climate Change Transformation Board.

Mr President, I beg to move that clause 12 stands part of the Bill.

The President: Mrs Sharpe.

855

Mrs Sharpe: Thank you, Mr President. I beg to second.

The President: Miss August-Hanson.

860 **Miss August-Hanson:** Thank you, Mr President.

As Mrs Poole-Wilson said, for the avoidance of doubt the amendment goes with amendment 6, which I moved and which was carried earlier, removing the definition of domestic effort from clause 3 of the Bill as it is no longer required.

865 Clause 12 of the Bill as it presently is drafted simply requires that the net-zero emissions target and any interim targets are based on 100% domestic effort, so the term 'domestic effort' having been defined in clause 3 as was. This amendment and the earlier amendment to clause 3 seek to clarify what is meant by the domestic effort target requirement. Noting the express desire for clarity on the matter when it was debated in the other place, this amendment replaces the existing clause 12 of the Bill with an entirely new clause, and this new clause then makes clear that the
870 actions of the Council of Ministers, them achieving the net-zero emissions target and any interim targets, consist entirely of actions to reduce the Isle of Man emissions. That is to say emissions of greenhouse gas that are attributable to the Island further to clauses 13 and 14 of the Bill and actions to increase the Isle of Man removals, which is defined in clause 15(2) of the Bill as meaning
875 removals of greenhouse gases, 'from the atmosphere due to land use, sea-bed use, land-use change or forestry activities' on the Island.

Furthermore, it also makes clear that the achievement of the net-zero emissions target and any interim targets is based solely on actions taken on the Island, and while emissions reductions units representing emissions reductions or removals may still be traded on the Island, such emissions reductions units cannot be used to count towards the Island's emission of greenhouse
880 gases or the removal of greenhouse gases for the purposes of achieving the net-zero emissions target and any interim targets.

Mr President, I beg to move:

Substitution of clause 12

10. Page 20, lines 8 to 10, for clause 12 substitute —

«12 Domestic Effort

(1) The Council of Ministers must ensure that effort towards meeting the net zero emissions target and any interim targets —

(a) consists entirely of actions that are to be taken to —

(i) reduce Isle of Man emissions; and

(ii) increase Isle of Man removals; and

(b) does not include the acquisition of emissions reduction units.

(2) In this Section "emissions reduction units" means tradable units representing emissions reductions or removals generated in a jurisdiction other than the Isle of Man.».

The President: Thank you.

Mr Mercer.

885

Mr Mercer: Thank you, Mr President. I beg to second the amendment to clause 12.

The President: Thank you.

Mrs Lord-Brennan.

890

Mrs Lord-Brennan: Thank you, Mr President.

Just a couple of small queries for the mover, and if she is not in a position to answer them in this sitting, then I am more than happy to wait until the next one.

I am acknowledging that the Council of Ministers, in connection with this domestic effort
895 target, will be required by way of the word 'must' to ensure that that target is based on 100% domestic effort. So with that 'must', is it something that ... could the mover confirm that it is something that would be required to happen immediately upon Royal Assent and the coming into operation of the Bill, the various Appointed Day Orders?

900 Is it the case that the current targets and plans, if they are within the current lines of activity, are working on that basis now?

Thirdly, how does this commitment in terms of targets and the overall commitment for 100% domestic effort ... does that tie in in any way with the duties for public bodies?

Thank you, Mr President.

905 **The President:** Thank you.
Mrs Poole-Wilson to reply.

Mrs Poole-Wilson: Thank you, Mr President.

910 Again, I would like to thank Miss August-Hanson for moving the amendment which improves this clause, and Mr Mercer for seconding.

In relation to Mrs Lord-Brennan's questions, thank you for raising these. I can confirm that the provision in clause 12 is currently intended to take effect on Royal Assent as provided in ... we have not moved clause 2 today, but as currently drafted, it would be part of the provisions that come into effect immediately on Royal Assent.

915 I think her second question was whether current targets and plans are working on the basis currently of 100% domestic effort. I can confirm that is the situation and ... because we do not have any current plans to include international offsetting.

Apologies, I have lost my note on what the third question was, so I wonder if Mrs Lord-Brennan could just repeat her third question, please?

920 **The President:** Yes, certainly.
Mrs Lord-Brennan.

Mrs Lord-Brennan: Thank you, Mr President.

925 Of course, more than happy to. I was wondering how this commitment, or if this commitment, has any bearing on, or does it tie in in any way, with the duty on public bodies?

The President: Thank you.
Mrs Poole-Wilson.

930 **Mrs Poole-Wilson:** Thank you, Mr President, and thank you, Mrs Lord-Brennan.

It is my understanding that because this duty is on the Council of Ministers to ensure that all efforts to achieve the net-zero target should be by 100% domestic effort, then it would feed in to the duties on public bodies. I hope that assists.

935 With that, Mr President, I beg to move.

The President: Thank you.

I put clause 12. First, the amendment by Miss August-Hanson. I take Council to be in favour of the amendment. That carries.

940 I put clause 12, as amended. That carries. Thank you.
Clause 13.

Mrs Poole-Wilson: Thank you, Mr President.

945 Clause 13 of the Bill describes the circumstances in which the emissions of greenhouse gases are attributable to the Isle of Man for the purposes of the domestic target effort. Such emissions are attributable if they are emitted from a source in the Isle of Man or otherwise attributed to the Island via regulations made by the Council of Ministers, subject to such criteria as the Council of Ministers considers appropriate and specify in regulations made with Tynwald approval following a consultation.

950 Further to queries raised by Hon. Members, I would like to clarify that the clause also applies to emissions arising in the Island's territorial seas. Consequently, arrangements have been made with the UK for the attribution of emissions arising as a consequence of aviation and shipping between the UK and the Island. Otherwise, emissions arising as a consequence of international aviation and international shipping will be attributed further to clause 14 of the Bill.

955 Mr President, I beg to move that clause 13 stands part of the Bill.

The President: Mrs Sharpe.

Mrs Sharpe: Thank you, Mr President. I beg to second.

960 **The President:** Thank you.

I put to Council that clause 13 do stand part of the Bill. I take Council to be in favour. That carries.

Clause 14.

965 **Mrs Poole-Wilson:** Thank you, Mr President.

Clause 14 provides that emissions from international aviation and international shipping are *not* attributable to the Island, except as is provided for under regulations made under the previous clause. This provision is in line with current international practice and standards on the attribution of such emissions.

970 While such emissions are not attributable at present, it is my understanding that negotiations are ongoing that will set out how such emissions are attributed in the future. In the event an agreement is reached on this matter, it is anticipated that the Council of Ministers would make any necessary regulations to provide for the attribution of such emissions to the Island.

Mr President, I beg to move that clause 14 stands part of the Bill.

975

The President: Mrs Sharpe.

Mrs Sharpe: Thank you, Mr President. I beg to second.

980 **The President:** I put the motion that clause 14 do stand part of the Bill. I take Council to be in favour. Clause 14 carries.

Clause 15.

Mrs Poole-Wilson: Thank you, Mr President.

985 Clause 15 provides that insofar as is reasonably practicable, the determination of what constitutes Isle of Man emissions and removals must be undertaken in a manner consistent with international carbon reporting practice. This clause defines that 'Isle of Man removals', in relation to a greenhouse gas, are defined as:

... removals of that gas from the atmosphere due to land use, sea-bed use, land-use change or forestry activities in the Isle of Man.

990 The Council of Ministers may, after consultation, amend this definition by regulations approved by Tynwald. These technical provisions in the Bill support the approach in clause 12 regarding domestic effort and the emissions that may be accounted towards the net-zero emissions target. Again, Miss August-Hanson has a helpful, improving amendment to this clause, which is supported by the Climate Change Transformation Board.

Mr President, I beg to move that clause 15 stands part of the Bill.

995

The President: Mrs Sharpe.

Mrs Sharpe: Thank you, Mr President. I beg to second.

1000 **The President:** Miss August-Hanson, please.

Miss August-Hanson: Thank you, Mr President.

1005 Clause 15 of the Bill sets out the definition of Isle of Man removals of greenhouse gases for the purposes of the Bill, particularly with regard to what the Isle of Man emissions and the Isle of Man removals are considered to fall within domestic effort further to clause 12 of the Bill, and thus are counted towards the net-zero emissions target.

1010 The independent adviser to the Climate Change Transformation Board, Prof. Curran, has suggested that this term could be improved to make clear that the Isle of Man removals of greenhouse gases include removals of greenhouse gases from the atmosphere due to technological activities such as sequestration on the Isle of Man, and this change also resolves some concerns that were expressed in the other place as to whether or not carbon sequestration on the Isle of Man was considered a removal of greenhouse gas.

Mr President, I beg to move:

Amendment to clause 15

11. Page 21, line 11, for 'or forestry activities' substitute «, forestry activities or a technological solution».

1015 **The President:** Mrs Maska.

Mrs Maska: I beg to second, Mr President.

The President: Mr Mercer.

1020 **Mr Mercer:** Thank you, Mr President.

I do have a small concern about the inclusion of this in this clause. All technological solutions proposed so far lack the ability to scale to any meaningful degree, and I am concerned that the inclusion of this term might lead to a reliance on some unproven future technology that does not yet exist. If the mover could clarify the thinking on this, it would be appreciated.

1025 **The President:** Thank you.
Miss August-Hanson to reply.

1030 **Miss August-Hanson:** I think all it is intended to do really is to just recognise what Prof. Curran has suggested could improve the term by substitution of forestry activities or as a technological solution. I am not really seeing that there is much else behind that. I think it does very much what it says on the tin, Mr President.

1035 **The President:** Mrs Poole-Wilson.

Mrs Poole-Wilson: Sorry, Mr President, just unmuting myself.

I would like to thank Miss August-Hanson for moving this helpful amendment, which, as I say, is supported and also Mr Mercer for his question.

1040 Mr Mercer I think makes a very good point that where we are today, the issue is what is the scope of technological solutions and all planning at the moment is actually around natural carbon sequestration. However, given the timescale over which this Bill operates – as we know, 30 years – by providing the scope in this enabling legislation there is therefore the *vires* should such technology be developed and brought forward that is proven and capable of assisting us. It

1045 provides the *vires* to make use of that. So I hope that provides some reassurance to hon. colleague, Mr Mercer.

With that, Mr President, I beg to move.

The President: Thank you.

1050 I put clause 15. First, the amendment. I take Council to be in favour of the amendment unless I see dissent. The amendment carries.

I put clause 15, as amended. I take Council to be in favour. That is carried.

Clause 16.

Mrs Poole-Wilson: Thank you, Mr President.

1055 Clause 16 enables the Council of Ministers by regulations to make provision for one or more local offsetting schemes to encourage activities that result either directly or indirectly in the reduction or removal of greenhouse gases from the atmosphere. In addition, clause 16 excludes projects included in Isle of Man Government action plans from being included in any offsetting schemes.

1060 This provision is designed to ensure that offsetting schemes stimulate additional emissions reduction projects or removals projects, including sequestration as defined in the clause, rather than acting to fund any project to which Government has already committed. This clause was amended in another place to make clear that projects would include reductions and removals. Such schemes may have effect on the Island and contribute towards the achievement of the net-zero emissions goal, or be undertaken off Island to support a global reduction in emissions of
1065 greenhouse gases.

Mr President, I beg to move that clause 16 stands part of the Bill.

The President: Mrs Sharpe.

1070

Mrs Sharpe: Thank you, Mr President. I beg to second.

The President: I put the motion that clause 16 do stand part of the Bill. I take Council to be in favour. Clause 16 carries.

1075

Clause 17.

Mrs Poole-Wilson: Thank you, Mr President.

1080 Clause 17 provides that the current Isle of Man Government action plan, or any replacement to that plan at the time the Bill comes into effect, continues to have effect as if it were a climate change plan made under this Bill until 1st April 2022. After that date, the Council of Ministers *must* ensure that a climate change plan drafted and put to a public consultation and then approved by Tynwald is in effect at all times from 1st April 2022. Amendments to such a plan may, after being consulted upon, be moved for approval at any time as long as that amendment does not have the effect of extending the plan's period of operation.

1085 The implementation of such plans will then be reported upon annually, further to the provisions in clause 19 of the Bill, enabling Government and Tynwald to monitor the implementation of the climate change ... [*Technical interference*] ... It is this climate change planning and reporting process that will be the process that drives the delivery of climate change actions, and in turn results in meaningful reductions in the Island's emissions of greenhouse gases.

1090 Again, Miss August-Hanson has very helpfully engaged and is moving an amendment to improve this particular clause.

Mr President, I beg to move that clause 17 stands part of the Bill.

The President: Mrs Sharpe.

1095

Mrs Sharpe: Thank you, Mr President. I beg to second.

The President: Miss August-Hanson.

1100 **Miss August-Hanson:** Thank you, Mr President.

The current wording of clause 17(3) creates a substantial delay in preparing amendments to a climate change plan and accordingly provides for the possibility of a set of circumstances whereby the Council of Ministers may be in breach of the requirement in clause 17(1) to have a climate change plan in effect at all times after 1st April 2022, and that is due to the amendments to the climate change plan that would make it acceptable to Tynwald, obviously.

1105

At present, any amendment to the climate change plan would have to go back out to public consultation, notwithstanding that it may be something that was already covered in the initial consultation on the plan or is in an amendment only affecting a particular stakeholder. This amendment accordingly seeks to remove the requirement upon Council to undertake a public consultation on any amendments to the climate change plan, and instead the Council of Ministers would only be required to consult on matters that had not previously been consulted upon. Therefore such a consultation would only be required to be undertaken with any person or representative of person or to whom that amendment relates.

1110

This consultation requirement for amendments to the climate change plan is more proportionate and would allow such consultations to be undertaken on a targeted basis over a shorter period of time, if necessary.

1115

Mr President, I beg to move:

Amendment to clause 17

12. Page 23 —

a. lines 15 to 18, for subsection (3)(a) and (b) substitute —

(a) in the case of a climate change plan, the public must be consulted on the matters that are proposed to be contained in it;

(b) in the case of an amendment to a climate change plan that relates to a matter that has not been consulted upon under paragraph (a), any person (or representative of such a person) to whom the amendment relates, and any other person that the Council of Ministers considers appropriate to consult, must be consulted on the proposed amendment; and

(c) the climate change plan or the amendment, as the case may be, must be laid before Tynwald for approval.»; and

b. line 20, for '(3)(b)' substitute «(3)(c)».

The President: Thank you.

Mr Mercer.

1120

Mr Mercer: Thank you, Mr President. I beg to second the amendment.

The President: Mrs Poole-Wilson.

1125 **Mrs Poole-Wilson:** Thank you, Mr President.

I would just like to place on record my support and that of the Climate Change Transformation Board for the amendments brought by the Hon. Member, Miss August-Hanson. As she said, they will ensure that any amendments to the climate change plan are subject to an appropriate and proportionate consultation process when it is necessary to consult.

1130

Mr President, I beg to move.

The President: I put to Council clause 17. First, the amendment. I take Council to be in favour of the amendment. That carries.

1135 I put clause 17, as amended. That carries.
Clause 18.

Mrs Poole-Wilson: Thank you, Mr President.

1140 Clause 18 sets out what each climate change plan must contain. Clause 18(1) requires that the plan includes the proposals and policies which will take effect over the plan's five-year period to reduce emissions and increase removals, and the timescales involved in delivering those actions.

Clause 18(2) provides a list of important policies and proposals which may be included in the plans, covering a wide range of key sectors, such as business and industry, land use and agriculture, and energy generation and use.

1145 Clause 18(3) creates a duty to explain how the plan will affect a range of policy matters. These include how the plan will affect the Island's economy and fiscal circumstances and the effect of the plan on the Island's environment, particularly the impact on the Island's biodiversity, ecosystems and ecosystem services.

1150 Finally, further to clause 18(5) and 18(6), the plan must have regard to and explain the extent to which it takes account of the just transition and climate justice principles, as was noted earlier by my hon. colleague, Mrs Lord-Brennan.

These policy matters may be amended, subject to consultation, via regulations made by the Council of Ministers and approved by Tynwald.

Mr President, I beg to move that clause 18 stands part of the Bill.

1155 **The President:** Mrs Sharpe.

Mrs Sharpe: Thank you, Mr President. I beg to second.

The President: Miss August-Hanson.

1160 **Miss August-Hanson:** Thank you, Mr President.

1165 The amendment corrects an oversight in the drafting of the Bill. Clause 18(4) as drafted at present requires the Council of Ministers to set out in its climate change plan the proposals and policies towards meeting only the interim target or interim targets that have been specified as a consequence of clause 10 of the Bill. This amendment requires the climate change plan to also assess how the proposals and policies pan out.

Thank you, Mr President. I would like to move:

Amendment to clause 18:

13. Page 25 —

a. line 3, after 'meeting' insert «the net zero target or»; and

b. line 6, after 'meeting' insert «the net zero target or».

The President: Mr Mercer.

1170 **Mr Mercer:** Thank you, Mr President. I beg to second the amendment.

The President: Thank you.

I put to Council clause 18, first the amendment. Those in favour of the amendment; I take Council to be in favour. The amendment carries.

1175 I put clause 18, as amended. That carries.
Clause 19.

Mrs Poole-Wilson: Thank you, Mr President.

1180 Clause 19 of the Bill provides for an annual progress report to be laid before Tynwald no later
than July in each calendar year. Such a report must provide information on the progress made in
relation to the current climate change plan and any changes to that plan, the implementation of
the just transition and climate justice principles, the extent to which biodiversity, ecosystems and
ecosystem services have been affected during the reporting period and the extent to which the
1185 climate change actions have contributed towards sustainable development, including the
achievement of the United Nations sustainable development goals.

The report may provide data with respect to a wide range of additional matters, such as
information on new sources of emissions and barriers to the reduction of emissions, the reasons
for any non-completion of climate change actions planned for the reporting period, actions taken
to reduce emissions that were not specified in the plan, and any other information the Council of
1190 Ministers considers appropriate.

To ensure the report aligns with any changes in reporting cycles and provides the necessary
information to aid policy formation and the creation of future climate change plans, the Council
of Ministers may by regulations amend the matters that must be reported upon.

1195 Mr President, this annual reporting process and associated debate in Tynwald will provide
regular scrutiny to the undertaking of the climate change action plans and provide an opportunity
for feedback to be provided to Government on the progress it has made.

Mr President, I beg to move that clause 19 stands part of the Bill.

1200 **The President:** Mrs Sharpe.

Mrs Sharpe: Thank you, Mr President. I beg to second.

1205 **The President:** I put the motion that clause 19 do stand part of the Bill. I take Council to be in
favour. Clause 19 carries.

Clause 20.

Mrs Poole-Wilson: Thank you, Mr President.

1210 Clause 20 requires the Council of Ministers to report every five years after the coming into
operation of this provision on the progress towards the net-zero emissions target in that period.
The clause provides that Council must report on the level of emissions at the time of an interim
emissions target. In either circumstance, such reports must be laid before Tynwald no later than
two years after the period to which they relate. This delay is to allow sufficient time for the Island's
emissions data to be collated, calculated and verified before being laid before Tynwald.

1215 Such a report must include the information in this clause, including the amount of the Island's
emissions for the reporting period and each individual year of the reporting period, the mean
percentage by which such emissions are higher or lower than the emissions baseline, and whether
or not the emissions reductions over that period contribute sufficiently towards meeting the net-
zero target or any applicable interim target.

1220 The report may include any other information that Council considers appropriate as well, as if
no interim targets have been set for the next reporting cycle, recommendations as to future
interim targets. These reports are intended to provide highly accurate emissions data and
associated information necessary to guide the amendment of climate change plans or the
development of future climate change plans. The Council of Ministers may by regulations amend
the contents of this report or reduce the reporting period for such reports.

1225 Mr President, I beg to move that clause 20 stands part of the Bill.

The President: Mrs Sharpe.

Mrs Sharpe: Thank you, Mr President. I beg to second.

1230

The President: I put the motion that clause 20 do stand part of the Bill. I take Council to be in favour. Clause 20 carries.

Clause 21.

1235 **Mrs Poole-Wilson:** Mr President, with your permission, I would seek to move clauses 21 and 22 together.

The President: Is that agreed? Thank you.

1240 **Mrs Poole-Wilson:** Thank you, Mr President.

1245 Clause 21 provides that a public body, when performing its functions, must act in a manner that it considers best to contribute towards achieving the net-zero emissions target and any interim target, supporting the just transition principles and climate justice principle, sustainable development, including the United Nations sustainable development goals, and protecting biodiversity, ecosystems and ecosystem services. The Council of Ministers may make regulations that, subject to consultation and Tynwald approval, impose or remove duties upon such a public body.

1250 Clause 22 subsequently enables such public bodies to request guidance to be provided on the undertaking of such climate change duties and empowers the Council of Ministers to issue such guidance to public bodies either generally or with respect to a specific public body. However, before publishing such guidance, the Council of Ministers must consult with a public body that has requested the guidance where that is the case and such other persons as is considered appropriate. Once such consultation has taken place and the guidance has been issued, the affected public bodies must have regard to such guidance when undertaking their climate change duties.

1255 The imposition of these climate change duties, subject to guidance issued by the Council of Ministers, is considered vital to ensuring public bodies give due regard to the taking of necessary actions to combat climate change and reducing the Island's emissions.

Mr President, I beg to move that clauses 21 and 22 stand part of the Bill.

1260

The President: Mrs Sharpe.

Mrs Sharpe: Thank you, Mr President. I beg to second.

1265 **The President:** Mr Mercer.

Mr Mercer: Thank you, Mr President.

1270 This amendment numbered 14 on the Paper builds on the original clause in the Bill and ensures that the Council of Ministers *must* give general guidance to public bodies and that the Council of Ministers must review and update that guidance as new knowledge dictates in a process of continuous refinement.

1275 The concept of 'minimum viable product' has been raised before in debates in the other place. A minimum viable product in this context, in the context of this clause, is a version of guidance with enough features could be useful and usable by public bodies who can then provide feedback for further development of the guidance. In other words, the initial guidance need not be perfect. It needs to be good enough, and it must be set soon so that public bodies can begin the process of focusing their attention on this task. This amendment takes that concept and asks that general guidance is produced.

1280 I would like to thank the officers involved in the discussion regarding this point and I think that the principle described is well understood within the transformation team. I am also pleased that the hon. mover anticipates that the Transformation Board will support this amendment.

Hon. Members, I hope you too can see the merits of strengthening this clause and that you can support.

Thank you, Mr President.

Amendment to clause 22

14. Page 29, lines 1 to 3 for subsection (3) substitute —

«(3) The Council of Ministers —

(a) must, before 1 April 2022, give general guidance to public bodies in relation to how a public body may fulfil its climate change duties;

(b) must regularly review and update that guidance having regard to new knowledge and methods to mitigate climate change; and

(c) may provide additional guidance to individual public bodies in relation to how that public body may fulfil its climate change duties.».

1285 **The President:** Thank you.
Miss August-Hanson.

Miss August-Hanson: I beg to second, Mr President.

1290 **The President:** Mrs Poole-Wilson to reply.

Mrs Poole-Wilson: Thank you, Mr President, and I would like to thank the Hon. Member, Mr Mercer, for his considerable engagement with both me and officers on this particular provision.

1295 I am pleased to confirm that the Climate Change Transformation Board is supportive of this improvement to this particular clause, and I completely support his articulation of the concept of minimal viable product; that it is better to provide something and to build on that and develop it as we learn more and other aspects of our climate change actions take effect than to wait until we get to a point where we can deliver the perfect product which, whilst it may be perfect, has not offered any level of help to public bodies beforehand.

1300 I would like to draw an analogy with the Equality Act in this regard, in that the Equality Act creates the public sector equality duty, but what public bodies require in order to comply with that is some level of understanding of what compliance involves in practice, and it has been my experience in that context that some guidance, even if it is not the full extent of guidance possible, is helpful while knowledge and understanding and better guidance is developed.

1305 So again, I would like to thank the Hon. Mr Mercer for his amendment and support it.
Mr President, I beg to move.

The President: Thank you.

1310 I put first the amendment to clause 22. I take Council to be in favour. That carries.

I put then clause 21 and clause 22, as amended. I take Council to be in favour. Those clauses carry.

Clause 23.

1315 **Mrs Poole-Wilson:** Thank you, Mr President.

Clause 23 empowers the Council of Ministers to make regulations that following consultation and Tynwald approval will specify how public bodies must provide reports detailing their compliance with their climate change duties, as well as the content of such reports.

1320 Although the Bill does not include a deadline for the making of such regulations, I understand today Mr Mercer will bring an amendment to require the regulations to be made by a specified date, and I would like to confirm that that amendment is supported by the Climate Change Transformation Board.

1325 I also note that Mrs Lord-Brennan proposes to make an amendment regarding publication. Again, this is supported by the Climate Change Transformation Board as providing visibility of reporting by public bodies.

Mr President, I beg to move that clause 23 stands part of the Bill.

The President: Mrs Sharpe.

1330 **Mrs Sharpe:** Thank you, Mr President. I beg to second.

The President: Mr Mercer.

Mr Mercer: Thank you, Mr President.

1335 This amendment numbered 15 strengthens the original clause in the Bill and ensures that the Council of Ministers must make regulations that require public bodies to report on their compliance with their climate change duties.

1340 Again, I would like to thank officers for their time in discussions on this clause and that early and achievable date has been agreed for the delivery of these regulations. I believe the duty to report will again enhance public scrutiny of public bodies and will help to focus attention on the delivery of the actions necessary to tackle this challenge. I am pleased that the Transformation board has indicated its support of this amendment too.

Thank you, Mr President. I beg to move:

Amendment to clause 23

15. Page 29, line 15, for 'may make regulations' substitute «must make regulations before 1 June 2022».

The President: Thank you.

1345 Mrs Lord-Brennan.

Mrs Lord-Brennan: Thank you, Mr President.

1350 I do have two amendments tabled that I would like to speak to, but I have also realised that in clause 23, (1)(b) refers to sections 24 and 27. It is the case that those clauses are not going to be moved today, and those clauses are the ones that relate to designation of monitor and the related duties to that. Mr President, there are significant issues with how the approach ... well, I guess the structure of the monitoring system and how that is laid out, and that is something that I am seeking to explore but hopefully find some kind of solution to.

1355 So although it is probably late in the day and late in the sitting for me to suggest this, I actually think that given the reference in clause 23(1)(b) to the clauses that are not going to be moved and debated today, but in my view definitely need attention and change, it might be wiser and better for us all, if the mover is agreeable and in a position to make that decision, that perhaps we do not settle and finalise and vote on this clause 23 today. So I hope that that actually might be able to be considered and we can consider it in the context of the other ones that would be subsequent to that. But obviously that is not in my hands. Again, I have literally just noticed it now.

1360 I would like to speak to my two amendments. My amendment would substitute the 'may' for a 'must' and so it would seem like an appropriate point to just briefly discuss the difference between 'may' and 'must'. I agree with Mr Mercer. Obviously I cannot speak to his amendment exactly, but my thinking is also that the issue with the word *may*, it indicates that the function *may* be exercised or not exercised at the discretion of the Council of Ministers. It is absolutely the case that we need to ensure that there is this reporting capacity brought in, and not just that, but clearly public bodies need to get used to this. It is a matter of transparency and I guess the point about 'You can't manage what you don't measure' comes into play.

1370 There is a reticence about only using the word ‘must’. I am getting that. However, ‘must’ just means that it *must* be done as soon as is reasonably possible. That is in the Interpretation Act. So I would say that, actually, June 2022 is not an early date, ‘may’ is not sufficient and, to me, in order to focus the minds and set the expectation for what public bodies will need to report on should be done quite soon. I can see no reason why such regulations cannot be worked up so that they can be brought in very soon, if this is indeed an emergency we are responding to. Public bodies, 1375 even if that reporting may change over time, clearly this is a pretty big part of the picture, so probably a start should be made. So that is how I would argue for that first amendment.

The second amendment puts in place that a public body that prepares a report under subsection (1) *must* publish it. To me, and perhaps to others, it felt like a missing element. So I hope that that can be supported. It is perhaps the case, obviously given the diversity of public 1380 bodies, they may be preparing their reports and doing all this stuff at different times. It is helpful for transparency and overall scrutiny, however that takes place, to have that published by the respective bodies, even though I guess other parts may perhaps, I am not quite sure, come to Tynwald.

So I would like to move those two amendments which are, on the Paper I am looking at, 1385 numbered 16 and 17, but I would ask the mover to consider perhaps postponing this clause until the next sitting, given the points I have made about the related monitor points.

Thank you, Mr President.

Amendments to clause 23

16. Page 29, line 15, for ‘may’ substitute «must».

17. Page 29, line 27, after subsection (2) insert —

«(3) A public body that prepares a report under subsection (1) must publish it.».

The President: Mr Mercer. Sorry, Miss August-Hanson, please.

1390 **Miss August-Hanson:** Thank you, Mr President.

I agree with Mrs Lord-Brennan, and I have wrestled an awful lot, and myself and the mover have had a number of conversations about this particular section and the use of the words ‘may’ and ‘must’. I agree with Mrs Lord-Brennan that yes, it does have that ... it is defined as ‘as soon as reasonably possible’ in interpretation, and I do think that there is an argument for delaying this 1395 clause, *if* the mover feels appropriate, because obviously that decision is sat with the mover.

It is incredibly important that we get this particular section right because, again, having talked earlier on in this particular session about being able to scrutinise on this side of the fence regarding focus on issues, providing evidence, transparency and accountability, I think it is very important that there is some level of stick regarding how we expect the Council of Ministers to behave in 1400 terms of reporting by public bodies and having this worked up. I do not think that May or June is quite the right time. I feel like it is a little bit too far down the line, understanding though that resources are, again, slim, and those officers that work, or will likely be working on this are extraordinarily good at what they do, but I am sure that we can bring this in sooner than the May/June expectation here.

1405 I have talked with Mr Mercer about this so I think he knows my feeling on that. But, yes, *very* much focus on that nice word ‘urgency’ in relation to getting these regulations in place and making sure that we are on the right path. I am very much in support of Mrs Lord-Brennan’s thoughts here and would like to second.

1410 **The President:** Thank you.
Mr Greenhill.

Mr Greenhill: Thank you, Mr President.

1415 I beg to second Mr Mercer's amendment number 15; possibly also point out that in his amendment he does use the word 'must' rather than 'may' as well.

Thank you, Mr President.

The President: Mrs Lord-Brennan. Okay, you do not wish to speak.
Mrs Poole-Wilson.

1420

Mrs Poole-Wilson: Thank you, Mr President.

I just thought it might be helpful if I spoke regarding the request to not move this clause today because I note Mrs Lord-Brennan's point about the cross-references in clause 23(1)(b).

1425

I wonder whether it would be in order for us to at least vote on the amendments to this clause before us, but then *not* vote on the clause itself with any amendments that have been approved, pending the opportunity for the engagement on the clauses that follow, namely clauses 24 to 27. The reason I determined to hold those over until the next sitting next week was to allow for that time of engagement.

1430

So if it would be appropriate for us to vote on the amendments before us, but not vote on the clause as a whole, that might help us deal with what we have just been discussing, but allow for any further amendment if needed in due course.

I wonder if that is appropriate, Mr President?

The President: I will defer to the Clerk, please, procedurally.

1435

The Clerk: Mr President, the suggestion by Mrs Poole-Wilson would be possible, but I do not really see the advantage of that.

1440

If the suggestion is that following debate and decision on clauses 24 to 27 some further amendment might be needed to clause 23 which has not been drafted yet, then I do not think keeping clause 23 in semi-limbo for a week really helps. It would be better to just defer everything to do with clause 23 until those debates on clauses 24 to 27 have been completed, in my opinion.

1445

The President: Thank you. I thank the Clerk for his advice, and I think procedurally that would be the most appropriate course of action, in view of the fact that clauses 24 to 27 will be considered next week, we will revert to clause 23 then with its amendments.

Mrs Poole-Wilson, you wish to speak?

1450

Mrs Poole-Wilson: Sorry, Mr President. I was just going to say then it probably is not appropriate for me to reply to the debate so far, if we are now holding everything over until next week. (**The President:** Yes.) Okay, thank you.

The President: Yes, we will hold over further debate and the vote on clause 23 until next week. So having reached clause 23, Mrs Poole-Wilson, it is your intention to go to clause 28.

1455

Mrs Poole-Wilson: Yes, Mr President. That is correct.

The President: Thank you.

1460

Mrs Poole-Wilson: Thank you, Mr President.

Clause 28 provides that on or after 1st January 2025 it will be an offence for a person to install a fossil fuel heating system in a new building or for use in a new building. The Council of Ministers may also by regulations ban the installation of a fossil fuel heating system in existing buildings, as may be specified in the regulations, after a specified date. Such an installation may in either case be punishable upon summary conviction with a fine up to Level 5 on the standard scale or upon conviction upon information with an unlimited fine.

1465

1470 The clause provides for a definition of ‘building’, ‘fossil fuel’ and ‘fossil fuel heating system’, as well as providing the Council of Ministers with the necessary *vires* to revise these definitions. The Council of Ministers may also by regulations exempt a specified type of new building from the application of the ban on the installation of new fossil fuel heating systems, regulate the price at which fossil fuels for such heating systems are sold and exempt the MUA as the electricity supplier, potentially, from using fossil fuel for electricity generation on the Island from the application of any provision under the regulations.

1475 Overall, these provisions form part of a package of measures to support and encourage a transition from the use of fossil fuel heating systems in new buildings on the Island. A renewable heating strategy that is due to be completed in April will inform future climate change actions that will be required to move away from fossil fuel heating, which accounts for a substantial amount of the Island’s carbon emissions. This clause thus allows for regulations to be made by the Council of Ministers, after consultation and subject to Tynwald approval, to support this renewable heating strategy by providing for further restrictions on the use of fossil fuel and fossil fuel heating systems in existing properties.

1480 Mr President, I beg to move that clause 28 stands part of the Bill.

The President: Mrs Sharpe.

1485 **Mrs Sharpe:** Thank you, Mr President. I beg to second.

The President: I put the motion that clause 28 do stand part of the Bill. I take Council to be in favour. Clause 28 carries.

Clause 29.

1490 **The President:** Clause 28 carries.
Clause 29.

Mrs Poole-Wilson: Thank you, Mr President.

1495 Clause 29 grants the Department of Environment, Food and Agriculture the *vires* to make regulations, subject to consultation and Tynwald approval, to prohibit or restrict the manufacture, distribution, sale, use or disposal of single-use plastics. Such regulations may also provide for charges to be imposed in relation to the supply of specified plastics, the maintenance of records in relation to such charges and the appointment of persons or bodies to enforce such legislation.

1500 While the Department is still considering the broader policy issues, regard will be given to how such regulations may support the implementation of the Single Use Plastics Reduction Plan for the Isle of Man Government, published in May 2018, and the Single Use Plastic Reduction Plan for the Isle of Man Community, published in July 2019.

1505 A further possible requirement for such regulations may be to introduce controls on the use of plastic for packaging, noting regulatory controls to this effect are anticipated to take effect in the United Kingdom in 2022. This clause is anticipated to provide a means of controlling and limiting the use of single-use plastics on the Island, which will have benefits in terms of reducing the emissions arising from the production of such products, as well as limiting the pollution that may otherwise arise when such products are disposed of.

1510 Mr President, I beg to move that clause 29 stands part of the Bill.

The President: Mrs Sharpe.

Mrs Sharpe: Thank you, Mr President. I beg to second.

1515 **The President:** I put clause 29 to stand part of the Bill. I take Council to be in favour. That carries.

We now move to clause 37. Mrs Poole-Wilson.

1520 **Mrs Poole-Wilson:** Yes, thank you, Mr President.

As previously advised, I am holding over clauses 30 to 36 pending further opportunity for consideration and engagement.

Clause 37 and the Schedule: with your permission, I would like to move both clause 37 and the Schedule to the Bill, Mr President.

1525

The President: Thank you.

Mrs Sharpe.

Mrs Sharpe: Thank you, Mr President. I beg to second.

1530

Mrs Poole-Wilson: Apologies, Mr President, I was just asking for permission to move both. I do have some –

The President: Oh yes, is that agreed? Thank you. Agreed.

1535

Mrs Poole-Wilson: Thank you.

Clause 37 of the Bill provides for the Schedule of enactments to primary legislation to have effect, subject to the commencement provisions set out in clause 2 of the Bill. The Schedule makes amendments to several Acts of Tynwald for the purpose of enabling actions to be taken that contribute directly or indirectly towards combating climate change.

1540

Paragraph 1 of the Schedule amends the Forestry Act 1984 to remove existing provisions with regard to public turbaries. In place of these provisions, the Department of Environment, Food and Agriculture will be required to establish and maintain a register of peatland areas, create offences for persons who disturb such areas, other than in accordance with an authorisation granted by the Department, and require damage to peatland to be restored, enable compensation to be paid in certain circumstances, provide for a review and appeal process against decisions of the Department, and provide for the issue of stop notices and injunctions to prevent damage to registered peatland.

1545

The opportunity was also taken to make some minor updates to the Forestry Act 1984, with regard to levels of fines quoted and use of gender-neutral terminology. Together, these measures will enable the Department to take necessary steps to protect and restore the Island's peatlands. Such measures will aid in the reduction of climate change emissions, as well as the protection of the Island's environment and ecosystems.

1550

Paragraph 2 of the Schedule amends the Licensing and Registration of Vehicles Act 1985 to provide the Department of Infrastructure with additional *vires* to enable differing levels of fees and charges to be applied to different classes or descriptions of vehicles, as well as the ability to prohibit the registration of vehicles or classes of vehicles. These powers will enable that Department to bring forward regulations that will encourage a move away from fossil fuel-powered vehicles towards less polluting vehicles.

1555

Paragraphs 3(a) and 3(b) amend the Electricity Act 1996 to require the Manx Utilities Authority to have regard to its climate change duties when undertaking its functions. Paragraphs 3(c) to 3(e) amend the Electricity Act to make provision for potential increases in renewable energy supplies on the Island and associated *vires* for regulatory controls to be specified by the Department of Infrastructure if required; and, Hon. Members, I note that Mrs Lord-Brennan has a helpful amendment in terms of the consultation process for any such regulations.

1560

1565

Paragraph 4 amends the Building Control Act 1991 to make provision for the passing and rejection of plans with regard to the installation of fossil fuel heating systems in the period from 1st January 2024 to 1st January 2025. That is to say, the year prior to the ban of fossil-fuel heating systems in new buildings, as well as the passing and rejection of plans after that date. This lead-in

1570 period provides a window where plans for buildings containing fossil-fuel heating systems may be passed by Building Control if the applicant can reasonably demonstrate that the building will be completed by that date.

These amendments also provide that after 1st January 2025 for new buildings that have not installed a completed fossil-fuel heating system, such heating systems may no longer be installed.
1575 In such circumstances, revised plans must be submitted to gain approval for the installation of a non-fossil fuel powered heating system.

Paragraph 5 amends the Customs and Excise Act 1993 to enable the Treasury to apply UK legislation, imposing taxes, levies or other charges on the import or export of goods that will have a direct or indirect benefit to the environment.

1580 Paragraph 6 amends the Town and Country Planning Act 1999 to require that by 1st January 2025, either a National Policy Directive or development plan is prepared with regard to climate change policies established under the Climate Change Act that relate to the maximisation of carbon sequestration, the minimising of greenhouse gas emissions, the maintenance and restoration of ecosystems, biodiversity net-gain, the need for sustainable drainage systems, and
1585 the provision of active travel infrastructure.

Paragraph 7 makes consequential amendments to the Town and Country Planning (Development Procedure) Order 2019 to support the consideration of such policies in planning matters once such policies have been developed. All of these provisions will support or enable the undertaking of climate change actions to reduce our emissions and help us achieve the net-zero
1590 emissions target.

Mr President, I beg to move that clause 37 and the Schedule stand part of the Bill.

The President: Mrs Sharpe.

1595 **Mrs Sharpe:** Thank you, Mr President. I beg to second.

The President: Mrs Lord-Brennan, please.

Mrs Lord-Brennan: Thank you, Mr President.

1600 The amendment in my name is seeking to amend paragraph 3(e)(5), which currently states that regulations made under this section, which relates to the Electricity Act, should not be made:

... before consulting the public and the Authority on the proposed regulations.

I had enquired with officers as to whether it was appropriate to just specify the Authority for two reasons. One, obviously we may have various providers/generators of electricity in the future. Hopefully we will have a more diversified provision. But also, secondly, it did not seem to sit right
1605 in terms of competition policy – why would one body, one authority be treated differently? Effectively, we should not be treating differently on the basis of ownership, so it should not just be the Authority that is specified as a statutory consultee.

So I am grateful to the Department for coming forward with this solution following my query, and I beg to move:

Amendment to the Schedule

32. Page 50, line 9, for 'the public and the Authority' substitute «the public, the Authority and any interested party».

1610 **The President:** Miss August-Hanson.

Miss August-Hanson: Thank you, Mr President.

Being that Mrs Lord-Brennan has outlined that so eloquently, all that is left for me to do is to suggest that it is a very sensible amend.

1615 Thank you, Mr President.

The President: Thank you.

Mrs Poole-Wilson to reply.

1620 **Mrs Poole-Wilson:** Thank you, Mr President.

I would like to thank the Hon. Member, Mrs Lord-Brennan, for her very sensible amendment, which is supported, and I would like to thank her and all Hon. Members at this stage for their engagement thus far with the clauses of this Bill.

I beg to move.

1625

The President: Thank you very much.

I put to Council first the amendment to the Schedule. I take Council to be in favour. That carries.

I put clause 37 and the Schedule, as amended, and I take Council to be in favour. That carries.

Thank you, Hon. Members. That concludes our consideration, for the moment, of the Climate Change Bill clauses.

1630