



## Climate Emergency Bill 2020

*Illustrative Draft Text*

An Act<sup>1</sup> to make provision to eliminate greenhouse gas emissions; to require everyone when making strategic decisions to have regard to the necessity of reducing greenhouse gas emissions; to require the exercise of certain functions to be with regard to the need to eliminate greenhouse gas emissions; to afford a right to be free from the harmful effects of climate change and to establish a Climate Emergency Commission.

1. Every organisation<sup>2</sup> when making decisions or taking actions of a strategic nature must:
  - a. not increase greenhouse gas emissions;
  - b. progressively reduce their own and any greenhouse gas emissions to which they directly or indirectly contribute so as to eliminate net greenhouse gas emissions by at least 100% as soon as possible<sup>3</sup>;
  - c. have due regard to the need to eliminate net greenhouse gas emissions by at least 100% as soon as possible<sup>4</sup>.
2. Everyone has the right to be free from harmful impacts of climate change<sup>5</sup>.
3. So far as it is possible to do so, primary and subordinate legislation must be read and given effect in a way which is compatible with the rights and duties in this Act<sup>6</sup>.
4. There shall be a body corporate known as the Climate Emergency Commission<sup>7</sup>.
5. The Commission shall exercise its functions with a view to encouraging a society which:
  - a. eliminates UK and global greenhouse gas emissions as soon as possible; and
  - b. adapts to climate change.
6. The Commission may:
  - a. Investigate anybody in relation to securing the fulfilment of the rights and duties in sections 1 and 2;
  - b. Bring proceedings for any contravention of sections 1 and 2.
  - c. The Schedule X makes further provision as to the powers of the Commission<sup>8</sup>.

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<sup>1</sup> These clauses could also form part of a wider Environment Act or be promoted as an amendment.

<sup>2</sup> 'Organisation' is to be defined as including all public authorities; companies; charities; NGOs; etc by reference to a minimum turnover or number of employees.

<sup>3</sup> The detailed means by which this may be achieved in specific sectors are matters for schedules, subordinate legislation or guidance.

<sup>4</sup> Modelled on section 149 of the Equality Act 2010 but coupled with the more substantive duties above.

<sup>5</sup> Establishing a specific right affords scope for individuals to play a part in enforcement.

<sup>6</sup> Modelled on section 3 of the Human Rights Act 1998 and the *Marleasing* principle which have proved to be effective interpretive obligations.

<sup>7</sup> The Office of Environmental Protection proposed in the Environment Bill 2019 could alternatively undertake these enforcement functions, but they go beyond the remit or capacity of the Committee on Climate Change.

<sup>8</sup> This will contain more detailed provisions about the Commission's powers and processes. This mirrors the competencies of the Equality and Human Rights Commission.