

SL(6)660 – The Climate Change (Carbon Budget) (Wales) Regulations 2025

Background and Purpose

These Regulations form part of a suite of regulations made under the Environment (Wales) Act 2016 (“the 2016 Act”) that are referred to collectively as the Climate Change (Wales) Regulations 2025.

Part 2 of the 2016 Act requires the Welsh Ministers to meet targets for reducing net emissions of greenhouse gases in Wales.

Section 31(1) of the 2016 Act requires that the Welsh Ministers set carbon budgets for each 5-year budgetary period between 2016 and 2050.

Regulation 2 sets the carbon budget for the budgetary period 2031-2035 so it is limited to an average of 73% lower than the baseline.

Before setting carbon budgets in regulations, the Welsh Ministers must request, and take into account, advice from the Committee on Climate Change (“the CCC”). In May 2025, the CCC provided their advice to Welsh Ministers on the level of Wales’ fourth carbon budget for the five-year period between 2031 to 2035 (“Carbon Budget 4”). In the Explanatory Memorandum accompanying the Regulations, the Welsh Government states that the purpose of these regulations is to accept the CCC’s recommended level and set Carbon Budget 4 at an average of 73% lower than the baseline.

Procedure

Draft Affirmative

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.

In regulation 2, several terms are used which have been defined as terms for Part 2 of the 2016 Act, which is the parent Act of these Regulations, including “carbon budget”, “budgetary period” and “baseline”. However, the Legislation (Wales) Act 2019 does not contain a provision corresponding to section 11 of the Interpretation Act 1978, which



provides that expressions used in subordinate legislation have the meaning which they bear in the Act under which the subordinate legislation is made. As noted in Writing Laws for Wales, paragraph 4.12(1),

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

As a result, those terms will not bear the same defined meaning in regulation 2 of these Regulations that they have in Part 2 of the 2016 Act, in the absence of such an express interpretation provision.

Merits Scrutiny

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

Welsh Government response

A Welsh Government response is required.

Committee Consideration

The Committee considered the instrument at its meeting on 3 November 2025 and reports to the Senedd in line with the reporting point above.

