



Law Society  
of Scotland

# Consultation Response

Just Transition Commission – call for views

June 2020



## Introduction

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The Law Society of Scotland is the professional body for over 12,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

Our Environmental law Sub-committee welcomes the opportunity to consider and respond to Scottish Government's consultation: *Just Transition Commission – call for evidence*<sup>1</sup>. We have the following comments to put forward for consideration.

## General remarks

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While the consultation questions focus on matters of policy and economy rather than law, we support the principled and pragmatic thinking that underlies the interim report. We note the importance of adherence to statutory obligations in the context of developing Just Transition plans. This includes a range of existing duties, for example those in relation to equality and biodiversity. In addition, we consider it important to 'future-proof' the plans to the extent that that is feasible – for example, this may include consideration of the forthcoming legislation on environmental principles<sup>2</sup> and any rights (including socio-economic matters) that are given protection under the work of the National Taskforce for Human Rights Leadership.

It is also essential that the legal requirements and mechanisms that are put in place are precise and enforceable if they are to operate effectively. Defining considerations of equity is likely to be challenging. Just transition principles of, for example, providing “decent, fair and high value work” will serve a useful purpose as the aspirations against which a climate change plan will be measured, however where bodies are to be held to account, the obligations will need to be specific and measurable if they are to be effective. We look forward to contributing to the development of the necessary legislation in due course.

<sup>1</sup> <https://consult.gov.scot/just-transition-commission/just-transition-commission-call-for-evidence/>

<sup>2</sup> Included in the UK Withdrawal from the European Union (Continuity) (Scotland) Bill, introduced on 18 June 2020, <https://beta.parliament.scot/bills/uk-withdrawal-from-the-european-union-continuity-scotland-bill-2020>

## Consultation questions

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### **What do you think are the wider social (health, community etc.) opportunities and challenges associated with meeting Scotland's climate change targets?**

A particular challenge will be ensuring that all of the relevant policy areas that are linked together and affect each other, are properly considered in a coherent manner. For example, waste management must be considered alongside transport and energy emissions.

### **What actions do you think the Scottish Government should take to manage the opportunities and challenges referenced above?**

We consider that the Scottish Government needs to ensure that a cross-departmental approach is taken to just transition and ensure that there is not only one department that has responsibility for this transition. It will be crucial for the success of the transition that policies align, support one another and move in the same direction.

**For further information, please contact:**

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