

# Green Papers of Model Laws

February 2020  
First edition



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# Foreword

Climate change poses unprecedented challenges for human societies and natural ecosystems. It is a crisis which we and our ancestors have caused and for which we must take responsibility.

An overarching legal framework is already in place at international level. Nearly five years ago, the world's governments reached agreement in Paris to move the global economy to net zero emissions, and to take action to limit warming to well below 2°C – and ideally 1.5°C – in order to prevent the worst consequences of climate change. At domestic level in the United Kingdom we also have a strong legislative framework in the Climate Change Act 2008, now with a revised target enshrined in law to reach net zero emissions by 2050.

As a legal community, we have a responsibility to play our part in ensuring that the whole machinery of the law, public and private, is brought into line with the objective of a just transition to a climate-resilient and net zero emissions economy. Judges must play their part, but there are limits to the judicial toolbox at their disposal. The statutes and regulations with which judges have to work must be adapted to compel or encourage sustainability in every aspect of society.

The role for commercial lawyers to help tackle the climate crisis has been largely overlooked. Lawyers who draft the contracts that shape the economic relationships of our society must use these arrangements to enable rather than hinder the transition.

These two companion publications – the Climate Contract Playbook and the Green Paper of Model Laws – show that the mechanisms for these changes are within our reach. The Chancery Lane Project shows us what can be achieved when lawyers come together as a profession and use the power of pro bono work to focus on practical solutions to the climate crisis.

I strongly welcome this initiative by The Chancery Lane Project. I add my encouragement to lawyers and businesses to use these contractual clauses whenever practicable, and to help the Project to improve and extend this work.

Lord Robert Carnwath CVO  
Justice of The Supreme Court



# Introduction

Our vision at The Chancery Lane Project is a world where every contract and law enable solutions to climate change.

A world in which legal frameworks enable and encourage businesses and communities to have a positive impact on the environment.

The legal profession is in a unique position to make a difference. Lawyers write the contracts and laws which influence the decisions made by individuals and businesses. That means the contracts we draft today and the laws we draft for tomorrow can lock us into dangerous climate change activity or help provide the solutions.

We aim to mobilise the legal profession to help bring about a transition to net zero and protect our economy and community from the unavoidable impacts of a changing climate. We recognise there are many other environmental and societal challenges. But we believe focusing our efforts is the best way to make a difference and that successfully tackling climate change will prevent further problems of inequality and access to justice.

We do not profess to have all the answers to the climate crisis, and we are not trying to own the solutions. From the very beginning, the Project has not been about individual lawyers or firms, but rather the collective effort of the entire legal profession to make a positive impact. Our voice is separate and independent from any one firm, chambers or professional membership. We are, with the best of intentions, using our legal skills to accelerate solutions to climate change in a politically and professionally neutral manner.

However, we believe the Project is aligned with and supports the achievement of the UN Sustainable Development Goals relating to climate action and the UK's emissions reduction target, enshrined in law, to reach net zero by 2050.

The laws and contracts we draft through this Project will not be enough on their own to address climate change. But we are unwilling to delay or defer the problems to others. This is the first edition of the Green Papers, with model laws drafted during our first legal hackathon.

The model laws in the Green Papers have been drafted in good faith. They are not recommendations or advice but a menu of tools for lawyers and policymakers to consider when advising clients and creating new policy. They are intended to inspire not divide.

We are not a group of specialist environmental or climate change lawyers, but rather mainstream corporate, commercial and transactional lawyers. We are not climate scientists or experts in the economic, social or health impacts of climate change, but we endeavour to draft laws and contracts which draw on relevant scientific and expert evidence of these disciplines. We are trying to play our part and add to the global leadership being shown by businesses and professions around the world.

A spectrum of lawyers from specialisms and sectors across the profession have been involved in drafting these model laws. As such the model laws and clauses do not represent their views and as such cannot be attributed to any one firm, chambers, business or lawyer.

But these clauses and laws cannot just exist on the page. They must be considered by policy makers, applied to the unique circumstances of a jurisdiction, and agreed or passed.

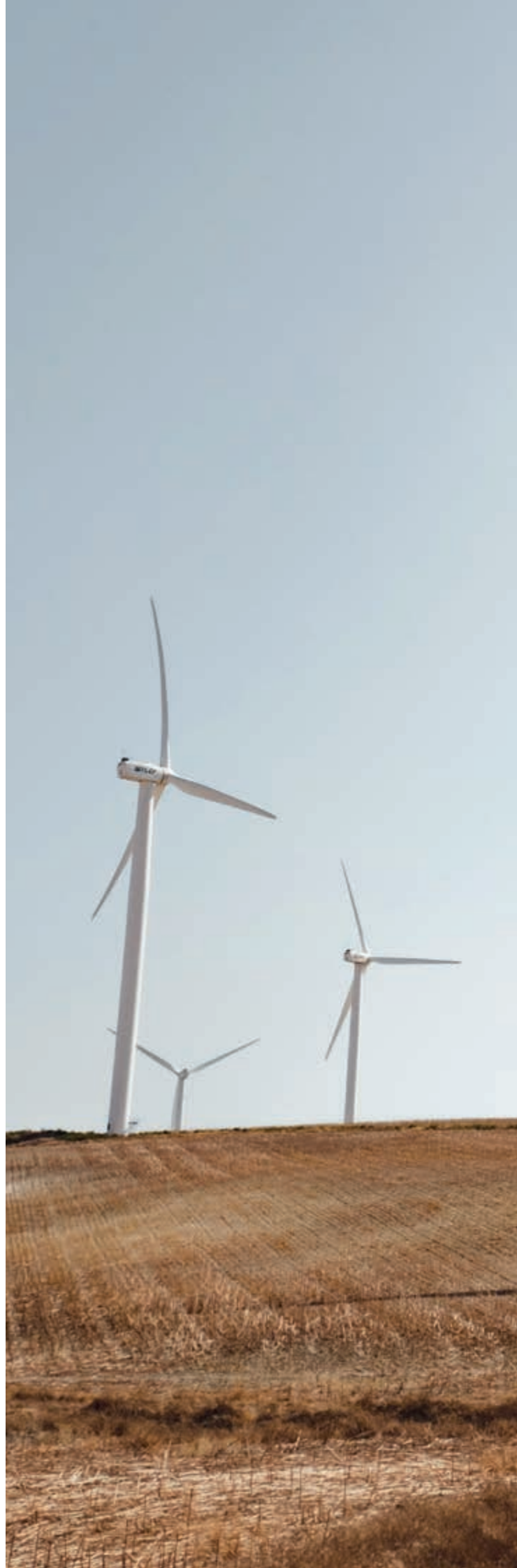
All the model laws are free to use. They are of course simply model laws and we have not assessed the socio-economic impact of introducing them. We know there will be issues with them but that is for our politicians to consider, debate, refine and enact. They have each been given a child's name to ensure we are connected to the next generation for whom the changes we make are so important.

This is the start of our journey. It is now incumbent on all lawyers to amplify the impact of The Chancery Lane Project. We urge you to consider sending these model laws to interested parties and your politicians. The model laws are a work in progress and will be iterated with input from you – our community of experts.

The Chancery Lane Project will always remain positive, focused on climate solutions. We believe together we can overcome the immense challenges of climate change in the next 10 years. If you would like to join us, we encourage you to get in touch.

Thank you

The year [11] Steering Group,  
Chancery Lane Project

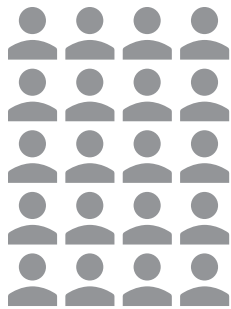


# The Journey So Far

First and foremost a big thank you to everyone who has facilitated, participated and invested their time and efforts into the Project so far. There are too many to thank individually. You know who you are. We are grateful for the generous support from list of participating or contributing firms, chambers, businesses and universities included on page 64.

The Project was conceived during London Climate Action Week in July 2019 and held its first legal hackathon on 8 November 2019, at Thomson Reuters London Office.

## Our journey so far in numbers:



**143**  
participants



**63**  
different  
organisations



**1200**  
pro bono  
hours



**7**  
model  
laws



**16**  
new  
precedents



**7**  
months  
from idea to  
publication



# The Power of the Pen

Why do model laws matter in the fight against climate change?

The UK recently enacted into law its 2050 Net Zero emissions target. However, the UK Government has only released very high level detail as to how it will achieve this goal. It will no doubt require more detailed legislation that (quite rightly) takes time to consider, amend and enact. This is time we can ill afford: according to the Intergovernmental Panel on Climate Change (IPCC), the standard bearers for climate science, the 2020s are the most important decade of change. We must reduce emissions by 45% from 2010 levels by 2030 if we are to be on track to meet the Paris Agreement goal to limit global average warming to 1.5°C above pre-industrial temperatures.

In enacting a net zero target the UK has shown leadership and a commitment to the issues. We now need to show how laws can encourage and enable this transition. This will involve both enacting new laws to incentivise transition but also the amendment of existing laws which currently create barriers to green solutions. Drafted correctly new laws can help amplify positive environmental behaviour through the economy and our communities.

The issues we face to make the transition to Net Zero are complex, multifaceted and sometimes daunting. Therefore, we need to work together and consider every idea to enable change - from a small amendment to create a cultural nudge to significant legislative interventions to accelerate change. We have to illustrate the art of the possible!

The UK has 'gold plated' legislation on Bribery, Data Protection and Financial Regulation that is admired around the world. Therefore, the positive reach and influence of UK laws in a global economy is significant and if we address climate change issues through legislation could leave a much wider legacy.

Each of the model laws has a child's name chosen by the drafting team. This is to encourage long term thinking and to focus on the next generation as they will be most affected by the serious consequences if we fail to effectively respond to the climate crisis.

There is a list of further legislative ideas set out in the Ideas Pipeline at page 60. We are only at the start of our journey and we will continue to work through these. However, ideas need to be brought to life with drafting. We encourage you to pick these up and draft the model laws that will help solve climate crisis.



# Using the Model Laws and our Disclaimer

The model laws in these Green Papers have been prepared in good faith on a pro bono basis and are free to download and distribute. The laws have been drafted and edited by a variety of lawyers and as such the approaches to drafting may not confirm. We acknowledge this as part of the collaborative drafting process.

These Green Papers and the model laws in it are provided on an ‘as is’ basis and without any representation or warranty as to accuracy or that the model laws will achieve the relevant climate goal.

This book of Green Papers does not comprise, constitute or provide personal, specific or individual recommendations or advice of any kind, including legal or financial advice. The model laws are examples for politicians and governments to reflect on use, amend and enact using their professional skill and judgement and at their own risk.

While care has been taken in the drafting of these model laws, neither The Chancery Lane Project nor any of its contributors owe a duty of care to any party in relation to the preparation of the Green Papers and do not accept liability for any errors or omissions, nor for any loss incurred by any person relying on or using this book of Green Papers. Users should use your own professional judgement in the application or distribution of the model laws or seek independent legal advice.

At present all the model laws are based on the laws of England and Wales. As the project grows we hope to convert these for consideration in other jurisdictions.

Our assumption is that all legislation would be introduced via private member bills rather than statutory instruments. We have not undertaken any social or economic viability of the legislation.



# Glossary

We have identified that a glossary of uniform definitions would add significant value to the Project and will accelerate and harmonise future drafting activity.

This glossary will include definitions of key terms such as ‘net zero’. In this first edition of the Climate Contract Playbook, when we refer to net zero or the net zero transition in the introduction and cover notes, we mean the general term for moving an economy and its constituent businesses and communities to net zero emissions. It has also been defined by reference to a specific entity and timeframe in some of the clauses, see, for example Net Zero Target.

This work stream will be undertaken in advance of the year [10] hackathon in November 2020.



# [Mary's Law]

	<b>The Origin Story</b>
<b>Law (short name)</b>	Mary's Law
<b>Full Name</b>	Data Protection Act 2018 (Amendment) Climate Data Bill
<b>Theme</b>	Accelerating Green Technology and Overcoming Barriers
<b>Team</b>	TMG
<b>Issue</b>	Climate solutions, particularly those relating to transport, will require the pooling and processing of data relating to everyone in order to effect systematic change. Current data protection legislation creates important safeguards to sharing but this is often used as an excuse not to share data.
<b>Solution</b>	An exemption to Data Protection rules in order to help fight climate change.
<b>Context</b>	<p>Transport accounts for circa 40% of UK emissions<sup>1</sup>. Shared transport solutions require significant amounts of personal data to be shared from a variety of sources<sup>2</sup>.</p> <p>The Data Protection Act 2018 and GDPR provides an exemption for processing for other important societal functions such as the prevention and detection of crime. If climate change prevention is an important issue for society then it should also have an exemption.</p> <p>The current legislation allows the Secretary of state to introduce further exemptions.</p>

1 <https://www.cityscience.com/blogs/events/if-we-were-serious>

2 <https://www.cbronline.com/news/tfl-data-transport>



<p><b>Impact</b></p>	<p>The proposed legislation will accelerate the creation of green technologies such as smart mobility solutions.</p> <p>This bill will allow new data insights and innovation that can be used to find solutions to climate change issues that wouldn't otherwise be possible or that may be cost prohibitive.</p>
<p><b>Stakeholders</b></p>	<p>The key stakeholders that would need to be engaged to deliver this Impact:</p> <ol style="list-style-type: none"> <li>1. Information Commissioners Office</li> <li>2. Centre for Data Ethics and Innovation</li> <li>3. The Big Data Industry</li> <li>4. UK Government</li> <li>5. EU commission</li> <li>6. Privacy International</li> <li>7. UK Citizens</li> </ol>
<p><b>Application</b></p>	<p>The existing rules on data sharing as well as the rights and freedoms of data subjects in the Data Protection Act 2018 are not changed.</p> <p>The new model law anticipates that the ICO will confirm a public benefit assessment process for assessing when the solutions outweigh the rights and freedoms.</p>
<p><b>Notes for users</b></p>	<p>Sharing of transport and other data required to fight climate change can be facilitated under existing privacy laws if the correct conditions and contractual requirements are met.</p> <p>This model law would create new public policy by placing an exemption to fight climate change on a par with the exemption for fighting crime.</p> <p>Climate Change "Issues", "Solutions", "Mitigation" and "Forecasting" require clear definitions.</p>



# Data Protection Act 2018 (Amendment) Climate Data Bill

## A BILL TO

Amend the Data Protection Act 2018 to provide that personal data that is processed in order to further solutions to detect, analyse, prevent and mitigate climate change are exempt from certain parts of the act.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

### 1. Amendment to Chapter 11 of the Data Protection Act 2018

Chapter 11 of the Data Protection Act 2018 shall be amended to include the following new exemption:

#### (15) Climate Change Solutions

(1) The listed provisions do not apply to personal data processed for –

- a. The prevention and detection of Climate Change issues,
- b. Climate Change analysis and forecasting,
- c. Climate Change solutions, or
- d. Climate Change mitigation.

to the extent that the application of those provisions would prevent or seriously impair the achievement of the purposes in question.

(2) The exemption in sub-paragraph (1) is available only where –

- e. The benefits to the public and the environment of the solutions and mitigation outweigh the safeguards for the rights and freedoms of data subjects; or
- f. The results of the analysis and forecasting are not made available in a form which identifies a data subject.

### 2. Extent, commencement and short title

- (1) This Act extends to the whole of the United Kingdom.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Data Protection Act 2018 (Amendment) (Climate Data) Act 2019.



# [Bill's Law]

	<b>The Origin Story</b>
<b>Law (short name)</b>	Bill's Law
<b>Full Name</b>	Landlord and Tenant Act 1954 (Amendment) Green Leases Bill
<b>Theme</b>	Contracts of the Future and Green Living
<b>Team</b>	Table 3 – Property Lawyers for the Planet
<b>Issue</b>	The voluntary approach to inclusion of green clauses in business leases has been slowly adopted in the UK <sup>3</sup> . Tackling issue of costs vs. best environmental practice.
<b>Solution</b>	<p>Amend the Landlord and Tenant Act 1954 (LTA 54) to require by law that all new business leases include green lease clauses.</p> <p>Implement the Better Building Partnership<sup>4</sup> green lease clauses with some amendments on service charge provisions, including:</p> <ul style="list-style-type: none"> <li>• Sinking fund specifically for environmental investment in the property; <ul style="list-style-type: none"> <li>– Obligation on the landlord to access the property every three years;</li> <li>– Obligation on the landlord to spend the sinking fund on environmental improvements to the property; and</li> <li>– Cap on annual contribution to this of [2]% of annual rent.</li> </ul> </li> <li>• Tenant is entitled to general exclusion in the service charge provisions to exclude costs incurred where landlord's practice is not sustainable.</li> </ul>
<b>Context</b>	At present there are various green lease toolkits for landlords and tenants to use. But these are not becoming market standard quickly enough and are often not adopted parties in business tenancies.
<b>Impact</b>	<ul style="list-style-type: none"> <li>• Most new and renewal business tenancies will include green lease clauses;</li> <li>• Facilitate green investment by landlords into their buildings;</li> <li>• Lead to a reduction in utility bills;</li> <li>• Lead to a potential increase in the value of the property;</li> </ul>
<b>Stakeholders</b>	<ol style="list-style-type: none"> <li>1. British Property Foundation</li> <li>2. Better Buildings Partnership</li> <li>3. Institutional Landlords</li> <li>4. UK Lawyers</li> <li>5. UK property agents</li> <li>6. UK Government</li> </ol>
<b>Application</b>	All business tenancies whether contracted inside or outside of LTA 1954

<sup>3</sup> <https://bateswells.co.uk/wp-content/uploads/2019/06/property-win13-green-leases-pdf.pdf>

<sup>4</sup> <http://www.betterbuildingspartnership.co.uk/>



<b>Notes for users</b>	<p>The LTA 1954 is over 60 years old and may not be the best place for an obligation of this nature. As an alternative a simple requirement that all new leases of business premises must contain Green Lease Provisions could be added to more recent legislation such as the Domestic Minimum Energy Efficiency Standard (MEES) Regulations.</p> <p>It is acknowledged</p> <ol style="list-style-type: none"><li>a. that the draft Bill would need to address sanctions for non-compliance with any requirement to include Green Lease Provisions in business tenancies. However, the land registry could refuse registration without them.</li><li>b. Part II of the LTA 1954 only applies where premises “are occupied by the tenant and are so occupied for the purposes of a business”. Accordingly, whether Part II of the Act applies to a tenancy is dependent on occupation.</li><li>c. Not all business tenancies have a sinking fund or service charge</li></ol> <p>A less stringent position would be to require landlords to carry out environmental surveys and to implement environmental improvement works, although this would need to be considered in the light of the existing MEES legislation.</p>
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# Landlord and Tenant Act 1954 (Amendment) Green Leases

## A BILL TO

Amend the Landlord and Tenant Act 1954 to redefine a business tenancy as one that includes green lease clauses.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Addition of Section 23A of Part II of the Landlord and Tenant Act 1954

A new Section 23A of Part II of the Landlord and Tenant Act 1954 shall be included to state the following:

**23A** Any agreement relating to a tenancy to which this Part of this Act applies (whether contained in the instrument creating the tenancy or not) must include Green Lease Provisions.

2. Addition of new definition of "Green Lease Provisions"

**Green Lease Provisions:** the green lease clauses endorsed by the Better Building Partnership from time to time (or such other equivalent collaboration relating to the property industry as confirmed by the relevant Secretary of State from time to time) and to the extent not covered in the green lease clauses referred to above, the landlord and tenant shall agree terms to incorporate the following:

- i. The landlord is to establish a sinking fund specifically for environmental investment in the property.
- ii. The landlord is to survey the property every three years with respect to environmental improvements having regard to the recommended practices from time to time of the Better Building Partnership.
- iii. The landlord is to use the funds in the sinking fund on environmental improvements to the property as recommended by the survey.
- iv. The Landlord can ask the tenant to contribute to the sinking fund via a service charge (if any) with a cap on annual contribution to 2% of annual rent.
- v. The tenant is entitled to an exclusion to its obligation to pay service charge costs incurred by the landlord where the costs are incurred as a result of unsustainable practices by the landlord.

3. Addition of Section 38B of Part II of the Landlord and Tenant Act 1954

A new Section 38B of Part II of the Landlord and Tenant Act 1954 shall be included to state the following:

**38B** Any agreement relating to a tenancy which is to be excluded from this Part of this Act under section 38B of this Act must include Green Lease Provisions.

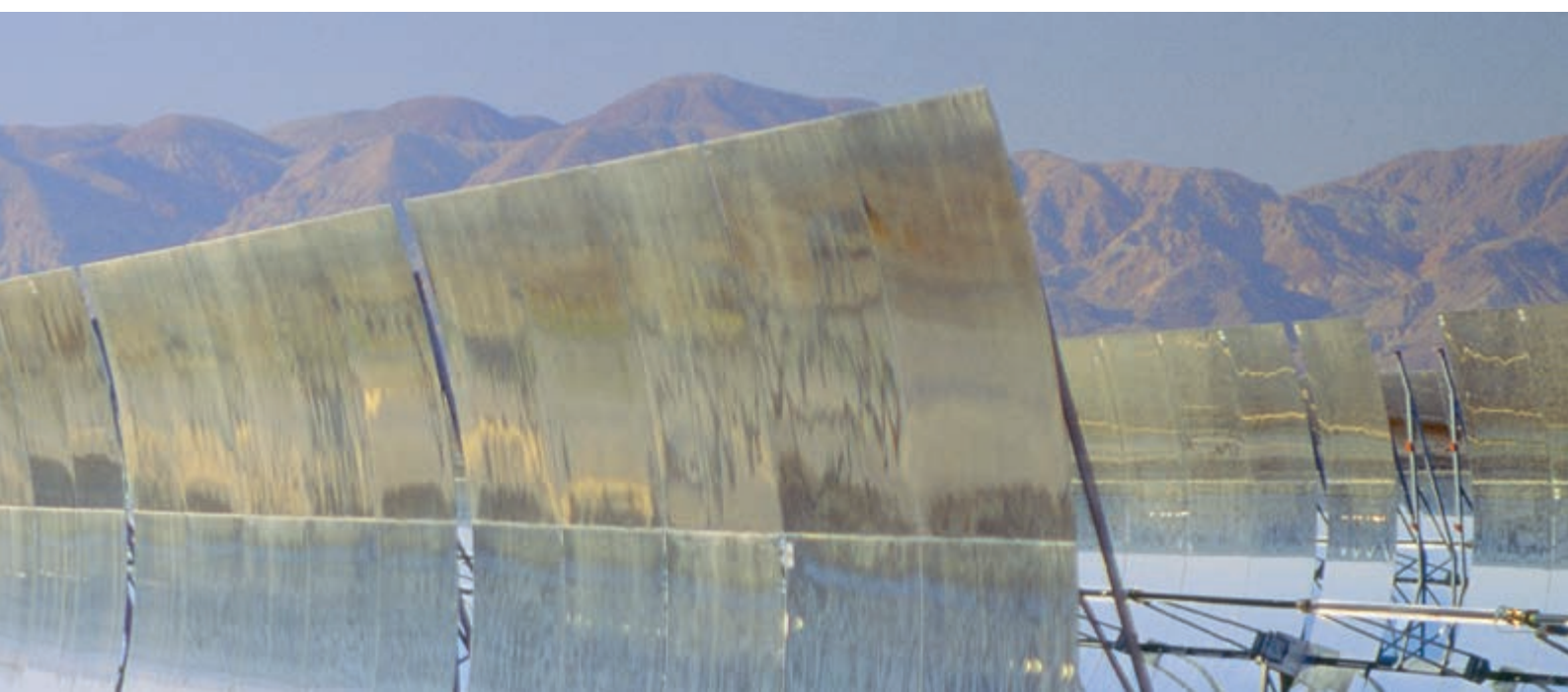


# [Lucas' Law]

	<b>The Origin Story</b>
<b>Law (short name)</b>	Lucas' Law
<b>Full Name</b>	Companies 2006 (Amendment) Responsible Business Bill
<b>Theme</b>	Companies of the Future
<b>Team</b>	Team 3 – Corporate Co-operators
<b>Issue</b>	Companies have traditionally been focused on profit as a metric to demonstrate they are acting in the best interest of the company and the shareholders, sometimes but not always, at the cost to wider society.
<b>Solution</b>	A change to the requirement on directors to promote the success of the company for the benefit of its members as a whole. Instead, directors will be required to advance the (newly defined) purpose of the company, with a strengthened requirement for this to be the interests of members, all stakeholders, society and the environment. The ability for stakeholders to claim for breach of this duty. The possibility for either the right to limited liability for the company to be lost or for the company to be wound up.
<b>Context</b>	Whether it is the Business Roundtable in the US; Leo Strine, Chief Justice of Delaware; the editor of the Financial Times or the British Academy, there is a common sense that companies have to change but often a reluctance to make it happen through regulation. This needs to change to go beyond it remaining a desirable aspiration.
<b>Impact</b>	The proposed legislation will remove the excuse directors and investors have that they cannot hamper their ability to make profits if it reduces the value of the company. It creates a level playing field for companies to make profits in the context of being socially useful entities.



<b>Stakeholders</b>	<ol style="list-style-type: none"> <li>1. Businesses</li> <li>2. Investors</li> <li>3. UK Citizens</li> <li>4. UK Government</li> </ol>
<b>Application</b>	<p>It will change the basis of decision making creating the space in which directors can make decisions which take into account the interests of all stakeholders, becoming constructive corporate citizens and developing more positive relationships with all those stakeholders</p>
<b>Notes for users</b>	<p>This uses the same frame as current s172, but strengthens the duty of directors to take wider interests into account in running the company. It creates a basic corporate purpose and invites companies to go beyond it. It provides for reporting against the duty. It introduces proportionality (so SMEs don't have the same obligations). It allows stakeholders a right to enforce (but assumes a Wednesbury reasonableness style test).</p> <p>It allows the Secretary of State to wind up, or remove the right to limited liability from, the worst offenders. Removing the right of limited liability could result in shareholders being liable for the actions of managers (an unpalatable outcome, some might argue). However, this could have the effect of shareholders driving best practice and better governance.</p> <p>It is acknowledged that the way this model law re-imagines the meaning of purpose marks a significant departure from current thinking about what a corporate purpose is.</p> <p>The phrase, "benefit wider society", would need to be defined given the potentially subjective nature of the requirement to "benefit wider society".</p>



# Companies Act 2006 (Amendment) Responsible Business Bill

## A BILL TO

A bill to amend the Companies Act 2006 to provide that the duty of a director of a company is to promote the purpose of the company, and operate the company in a manner that benefits the members, wider society, and the environment.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Amendment to s172 of the Companies Act 2006

Section 172 of the Companies Act 2006 shall be amended and replaced in its entirety as follows:

172 Duty to advance the purpose of the company

(1) 172 Duty to advance the purpose of the company

A director of a company must act in the way the director considers, in good faith, would be most likely to advance the purpose of the company, and in doing so must have regard (amongst other matters) to the following considerations:

- a. the likely consequences of any decision in the long term and its impact on future generations,
- b. the interests of the company's employees,
- c. the need to foster the company's business relationships with suppliers, customers and others,
- d. the impact of the company's operations on the community and the environment, taking into account in particular the impact on climate heating and biodiversity loss,
- e. the desirability of the company maintaining a well-deserved reputation for trustworthiness and high standards of business conduct and corporate citizenship, and
- f. the success of the company for the benefit of its members as a whole and the need to act fairly as between members of the company.

(2) The purpose of a company shall be to benefit its members as a whole, whilst operating in a manner that also:

- a. benefits wider society and the environment in a manner commensurate with the size of the company and the nature of its operations; and
- a. reduces harms the company creates or costs it imposes on wider society or the environment, with the goal of eliminating any such harm or costs.

- (3) Where different interested parties view the considerations set out in subsection (1) differently, a director must seek to act fairly as between those interested parties.
- (4) A company may specify in its Articles a purpose that is more beneficial to wider society and the environment than the purpose set out in subsection (2).
- (5) The Secretary of State shall make provision by regulations as to the form and content of the accounts and reports that a company must prepare to account for:
  - a. how it benefits wider society and the environment, and
  - b. the harms it creates or costs it imposes on wider society and the environment and, separately, the actions it is taking to reduce or eliminate those harms and costs.
- (6) The Secretary of State may prescribe by regulations that certain accounting and reporting requirements provided for by regulations under sub-section (5) shall apply—
  - a. only to companies which have a total turnover of not less than a prescribed amount, or
  - b. otherwise in a manner that is commensurate with the size and complexity of the company.
- (7) The duty imposed upon directors by this section—
  - a. has effect subject to any enactment or rule of law requiring directors, in certain circumstances, to consider or act in the interests of creditors of the company; and
  - b. is owed to the company and to any other interested parties directly affected by the actions of the company.

## 2. Remedies for unconscionable breach

Where it appears to the Secretary of State that a company has acted fundamentally, systemically or consistently in breach of its purpose, it may (i) if it considers it is expedient in the public interest that a company should be wound up, present a petition for it to be wound up if the court thinks it just and equitable for it to be so, or (ii) remove its right to limited liability.

3 Amendment to s414CZA of the Companies Act 2006

Section 414CZA of the Companies Act 2006 shall be amended and replaced in its entirety as follows:

414CZA Section 172(1) statement

- (1) A strategic report for a financial year of a company must include a statement (a “section 172(1) statement”) which describes how the directors when performing their duty under section 172:
  - a. have advanced the purpose of the company, and
  - a. have had regard to the matters set out in section 172(1)(a) to (f).
- (2) Subsection (1) does not apply if the company qualifies as medium-sized in relation to that financial year (see sections 465 to 467).

4. Extent, commencement and short title

- (1) This Act extends to the whole of the United Kingdom.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Companies Act 2006 (Amendment) (Company Purpose) Act 2020.





# [Olivia's Law]

	<b>The Origin Story</b>
<b>Law (short name)</b>	Olivia's Law
<b>Full Name</b>	Town And Country Planning Act (Green Infrastructure) (Amendment) Bill
<b>Theme</b>	Encouraging greener living
<b>Team</b>	Teams 5 and 8 Collaborating on Planning
<b>Issue</b>	There is no general legal requirement for developers to demonstrate how their development will be carbon efficient and biodiverse. Local policies differ and development is granted planning permission outside of policy requirements. Green infrastructure will be crucial for achieving net-zero and sustainable cities and is also necessary for people's physical and mental health.
<b>Solution</b>	A presumption in favour of the grant of planning permission where a developer can show [●]* about green infrastructure. *To be defined as a figure related to carbon sequestering in relation to the carbon footprint of the development or some other measurable and/or quantifiable environmental figure.
<b>Context</b>	The net-zero obligation will require a sea-change in how planning works. The current system has perverse incentives. Land values drive short-term thinking, with developments often having a 30 year life-span and focusing on short-term return of profit. In that paradigm, green infrastructure is discouraged and seen as an "expense", eroding profits. The devaluation of green spaces in the current planning system has had a significant impact on people's health, both mental and physical. Our climate solutions need to also be healthy solutions. "Green infrastructure" is often thought of at a community or area-wide level. This aims to bring green infrastructure thinking to specific commercial and residential developments.



<p><b>Impact</b></p>	<p>This draft legislation aims to incentivise long-term thinking and to prioritise green infrastructure by giving it a greater value in obtaining planning permissions.</p> <p>The aim is also to shift developer mindsets.</p>
<p><b>Stakeholders</b></p>	<ol style="list-style-type: none"> <li>1. Local authorities</li> <li>2. Town and Country Planning Association</li> <li>3. RIBA</li> <li>4. RTPI</li> <li>5. MIPPIM</li> <li>6. Developers</li> </ol>
<p><b>Application</b></p>	<p>The existing rules on granting planning are not changed, but an incentive is included to encourage a change from developers about the way in which development is designed so that green infrastructure is a key component.</p>
<p><b>Notes for users</b></p>	<p>We are aware that the government have been consulting on biodiversity for developments as part of the Environment Bill.</p> <p>The review of this suggestion needs to address:</p> <ol style="list-style-type: none"> <li>a. As with all model laws the socio-economic effect of the proposals has not been assessed in detail. Will it actually be an incentive or is it so unlikely that development will comply with these requirements that it will be ignored wholesale?</li> <li>b. How to get the numbers right? Will they achieve the aims?</li> <li>c. Are we sure that this will not have perverse incentives resulting in poorer development practices? (e.g. focusing on non-biodiverse tree planting instead of insulation in buildings, etc.)</li> <li>d. What kind of planning guidelines are needed to support the legislation?</li> <li>e. Is an incentive the right approach? Should there instead be a legal requirement for all development (or all large developments?) to demonstrate a level of green infrastructure?</li> <li>f. Should this be an amendment to the TCPA 1990, other legislation, or a stand-alone piece of legislation?</li> </ol>



# Town And Country Planning Act (Green Infrastructure) (Amendment) Bill

## A BILL TO

A bill to amend the Town and Country Planning Act 1990 to provide a presumption in favour of the grant of planning permission where a development can demonstrate a particular level of green infrastructure.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Amendment to Part III of the Town and Country Planning Act 1990, "Control Over Development"

### Section 70D **Presumption in favour of green infrastructure**

#### 70D

- 1.1 "Green infrastructure" includes:

- a. Trees;
- b. Hedgerows;
- c. Open green spaces which thread through or surround the built environment;
- d. Parks;
- e. Gardens designed for biodiversity;
- f. Green roofs;
- g. Allotments;
- h. Woodlands;
- i. Green corridors;
- j. Rain gardens;
- k. Reed beds;
- l. Wetlands;
- m. Water meadows
- n. Wild spaces.

- 1.2 There is a presumption in favour of the grant of planning permission for any development that can demonstrate:
    - a. a level of green infrastructure amounting to at least 55% of the land edged red; and
    - b. the green infrastructure will sequester at least 20% of the carbon emissions that will be created by the development over its lifetime.
  - 1.3 The presumption applies where it can be demonstrated that the green infrastructure will persist for the whole of the life of the development plus 50 years.
  - 1.4 The presumption in favour of the grant of planning permission will be stronger if the development can demonstrate a mix of indigenous trees, which will be maintained for the whole of the life of the development plus 50 years, and which are highly carbon sequestering.
  - 1.5 The Secretary of State will develop guidance on how the elements of this section can be demonstrated.
2. Extent, commencement and short title
- Where it appears to the Secretary of State that a company has acted fundamentally, systemically or consistently in breach of its purpose, it may (i) if it considers it is expedient in the public interest that a company should be wound up, present a petition for it to be wound up if the court thinks it just and equitable for it to be so, or (ii) remove its right to limited liability.
- 2.1 This Act extends to the whole of the United Kingdom.
  - 2.2 This Act comes into force on the day on which it is passed.
  - 2.3 This Act may be cited as the Town and Country Planning Act (Green Infrastructure) (Amendment) Bill [2019].

# [Louis' Law]

	<b>The Origin Story</b>
<b>Law (short name)</b>	Louis' Law
<b>Full Name</b>	Parent Liability for Environmental Damage Act
<b>Theme</b>	Companies of the Future
<b>Team</b>	Team 6 – Companies of the Future
<b>Issue</b>	<p>Due to limited liability and the corporate veil, parent companies are not typically liable for environmental damage caused by their subsidiaries. This allows businesses to unfairly limit their responsibility for and authority over profitable subsidiaries whose activities may be causing gross environmental damage.</p> <p>It also acknowledges that passing on carbon emissions to subsidiaries or supply chains is just shifting a problem from one location to another.<sup>5</sup></p>
<b>Solution</b>	<p>Introduce a class of environmental crimes for which liability will pass through from overseas subsidiaries to parent companies registered, listed or active in the target jurisdiction. The solution would be comparable to the reach and breadth of the Bribery Act or GDPR.</p>
<b>Context</b>	<p>The recent <i>Lungowe v Vedanta Resources plc</i> [2019] UKSC 20, [2019] 2 WLR 1051 case and the subsequent trial will test whether a parent company is held liable for environmental damage caused by its overseas subsidiary.</p> <p>Reversing this presumption in relation to serious environmental crimes will create a new corporate culture similar to those created via the introduction of the Bribery Act. Parent companies would be liable unless their directors can show adequate procedures were in place to identify, avoid and mitigate such impacts, in a similar way to the UK Bribery Act.</p> <p>Both the Bribery Act and GDPR were key areas of focus for boards during last decade and the intention is to create a similar focus regarding environmental damage.</p>

<sup>5</sup> <https://www.nytimes.com/2018/09/04/climate/outsourcing-carbon-emissions.html>



<b>Impact</b>	The proposed clause will prevent companies from shielding themselves from liability for serious environmental crimes by virtue of their corporate structure, and place a proactive obligation on directors to supervise activities of their subsidiaries.
<b>Stakeholders</b>	<ol style="list-style-type: none"> <li>1. UK regulators</li> <li>2. Environment Agency</li> <li>3. Multinational corporations</li> <li>4. Private Practice Firms</li> </ol>
<b>Application</b>	The proposed amendments will allow people in any jurisdiction to sue UK parent companies for serious environmental damage caused by their overseas subsidiaries, unless the UK parent company directors can show adequate procedures were in place to identify, avoid and mitigate the relevant risks.
<b>Notes for users</b>	<p>The drafting of the model law also creates a new criminal offence that goes beyond parent company liability.</p> <p>It is acknowledged that the drafting of the bill is incomplete and that defining both:</p> <ol style="list-style-type: none"> <li>a. the class of environmental damage deemed sufficiently serious to engage this liability; and</li> <li>b. what amounts to “causing” environmental damage,</li> </ol> <p>is of fundamental importance and to be iterated as part of the Project.</p> <p>Adequate procedures may not create the intended corporate behaviour and therefore, it may be better, for example, to require a parent to prove it took all practicable steps to prevent a subsidiary damaging the environment.</p> <p>The levels of fines would have to be determined but in the drafting mirror those of GDPR.</p>



# Parent Liability For Environmental Damage Bill

## A BILL TO

Hold parent companies responsible for the environmental damage caused by their international subsidiaries.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. [base new law on UK bribery act: incorporate definitions as appropriate.]

### Offences of causing Gross Environmental Damage

- (1) A relevant commercial organisation is guilty of an offence if its officers cause, or are reckless as to causing, Gross Environmental Damage, whether in the United Kingdom or another jurisdiction.

### Failure to prevent Gross Environmental Damage caused by a subsidiary undertaking

- (2) A relevant commercial organisation ("C") is guilty of an offence under this section if a subsidiary undertaking causes, or is reckless as to causing, Gross Environmental Damage, whether in the United Kingdom or another jurisdiction.
- (3) But it is a defence for C to prove that C had in place adequate procedures designed to prevent subsidiaries of C from undertaking such conduct.

### Guidance about commercial organisations preventing Gross Environmental Damage

- (4) The Secretary of State must publish guidance about procedures that relevant commercial organisations can put in place to prevent subsidiaries from causing Gross Environmental Damage.
- (5) The Secretary of State may, from time to time, publish revisions to guidance under this section or revised guidance.
- (6) The Secretary of State must consult the Scottish Ministers and the Department of Justice in Northern Ireland before publishing anything under this section.
- (7) Publication under this section is to be in such manner as the Secretary of State considers appropriate.



### Penalties

- (8) A relevant commercial undertaking guilty of an offence under this Act is liable to a fine not exceeding
- a. up to [20 million Euros], or 4% of the entity's total annual worldwide turnover in the preceding financial year, whichever is higher, or
  - b. in any other case, [20 million Euros].

### Personal Liability

- (9) [Draft new provision that, where the directors of the parent undertaking fail to follow adequate procedures, tortious liability to flow against the parent company for the actions of its subsidiaries]

In this section:

“partnership” means:

- a. a partnership within the Partnership Act 1890, or
- b. a limited partnership registered under the Limited Partnerships Act 1907,

or a firm or entity of a similar character formed under the law of a country or territory outside the United Kingdom,

“relevant commercial organisation” means:

- a. a body which is incorporated under the law of any part of the United Kingdom and which carries on a business (whether there or elsewhere),
- b. any other body corporate (wherever incorporated) which carries on a business, or part of a business, in any part of the United Kingdom,
- c. a partnership which is formed under the law of any part of the United Kingdom and which carries on a business (whether there or elsewhere), or
- d. any other partnership (wherever formed) which carries on a business, or part of a business, in any part of the United Kingdom, and, for the purposes of this section, a trade or profession is a business.

“subsidiary” means:

a subsidiary undertaking as defined in s 1159 of the Companies Act 2006.

# [Ben's Law]

	<b>The Origin Story</b>
<b>Law (short name)</b>	Ben's Law
<b>Full Name</b>	Green Project Officer
<b>Theme</b>	Companies of the Future, Encouraging Greener Living
<b>Team</b>	Table 10 – <i>The Team of Green</i>
<b>Issue</b>	No consistent compliance or gathering of data in respect of companies/firms becoming more green.
<b>Solution</b>	The challenge to become “more green” should be considered in a similar way to becoming GDPR compliant or avoiding money laundering. Engaging with this challenge should be part of the everyday functioning of any medium or large business.
<b>Context</b>	Until now, ecological concerns have been marginalised. They have been given only as much importance as the leadership of a firm chooses to give them. We are now in a period where the threat from climate change is undeniable, but there is still inconsistency in the response to that threat. Installing Green Project Officers is an effort to address that inconsistency and marginalization.
<b>Impact</b>	Embed a consistent response across firms and business in a way that maximises the positive impact while minimizing the risk of a non-compliant company deriving unfair advantage. Employing GPOs would facilitate the gathering and standardization of data concerning the footprint of businesses in a way that facilitates an effective response. There is a growing public demand for pro-environmental policies. Employing GPOs would reinforce public confidence in this regard and address the concerns of climate change protesters.



<b>Stakeholders</b>	<p>Key stakeholders that you think need to be engaged to deliver this Impact:</p> <ol style="list-style-type: none"> <li>1. Business leaders</li> <li>2. Consumers and wider society</li> <li>3. Regulatory lawyers to advise on framework</li> <li>4. Parliament to establish the framework</li> <li>5. Lawyers to assist with drafting the framework (e.g. Law Society and Bar Council)</li> <li>6. Universities or professional bodies creating courses to train GPOs</li> </ol>
<b>Application</b>	<p>We take inspiration from the ICO enforcing GDPR, and the SRA enforcing anti-money laundering regulations. There needs to be a clear system of regulation enforced by sanctions in case of breach (e.g. percentage fines similar to those imposed by the ICO). The body that establishes and enforces these standards would be self-financed. The profession as a whole would buy into that body by endorsing its objectives. A business would be obliged to register for a small annual fee and then comply with reporting standards, and potentially inspections once the regime is developed.</p>
<b>Notes for users</b>	<p>NOTE: It is difficult to assess what exactly an environment officer would do. You would need to establish certain KPIs by which to judge a business and its employees. The metrics would need to be clear. That does not exist right now.</p> <p>Example articles [inspired by ss.69-71 of the DPA 2018]</p>



# Environment Bill (Green Officer) (Amendment) Bill

## A BILL TO

A bill to an amendment to the Environment Bill to require companies and public authorities to appoint an individual responsible for the environmental compliance and footprint of their organisation.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

### Environment officers

#### 69 Designation of an environment officer

- (1) The entity must designate an environment officer.
- (2) When designating an environmental officer, the entity must have regard to the professional qualities of the proposed officer, in particular:
  - a. the proposed officer's expert knowledge of environmental law and regulation, and
  - a. the ability of the proposed officer to perform the tasks mentioned in section 71.
- (3) The same person may be designated as an environmental officer by several entities, taking account of their organisational structure and size.
- (4) The entity must publish the contact details of the environment officer and communicate these to the Environment Agency.

#### 70 Position of environment officer

- (1) The entity must ensure that the environment officer is involved, properly and in a timely manner, in all issues which relate to regulatory standards [to be set].
- (2) The entity must provide the environment officer with the necessary resources and access to data, premises [LIST ITEMS NECESSARY TO ASSESS FOOTPRINT] to enable the environment officer to:
  - a. perform the tasks mentioned in section 71;
  - b. maintain his or her expert knowledge of environmental law and practice;
  - c. fully understand the environmental impact of the entity.
- (3) The entity:
  - a. must ensure that the environment officer does not receive any instructions regarding the performance of the tasks mentioned in section 71;
  - b. must ensure that the environment officer does not perform a task or fulfil a duty other than those mentioned in this Part where such task or duty would result in a conflict of interests;
  - c. must not dismiss or penalise the environment officer for performing the tasks mentioned in section 71.

- (4) A consumer may contact the environment officer with regard to all issues relating to: the environmental impact of the entity, or the exercise of that data subject's rights under this Part.
- (5) The environment officer, in the performance of this role, must: report to the highest management level of the entity; and submit a publicly available environmental impact report to the Environment Agency.

#### 71 Tasks of environment officer

- (1) The entity must entrust the environment officer with at least the following tasks:
  - a. informing and advising the entity, or any sub-entity engaged by the entity, and any employee as employee of the entity, of that person's obligations under environmental regulations;
  - b. providing advice on the carrying out of environmental impact assessment under section 64 and monitoring compliance with that section,
  - c. co-operating with the Environment Agency,
  - d. acting as the contact point for the Environment Agency, and consulting with the Environment Agency, where appropriate, in relation to any other matter,
  - e. monitoring compliance with policies of the entity in relation to maintaining environmental regulatory compliance, and
  - f. monitoring compliance by the entity with this Part.
- (2) In relation to the policies mentioned in subsection (1)(e), the environment officer's tasks include:
  - a. assigning responsibilities under those policies,
  - b. raising awareness of those policies,
  - c. training staff, and
  - d. conducting audits required under those policies.
- (3) In performing the tasks set out in subsections (1) and (2), the environment officer must have regard to the risks associated with non-compliance with environmental regulations, taking into account the nature, scope, context and purposes of processing.

## Penalties

### XX Penalty notices

- (1) If the Environment Agency is satisfied that a person has failed to comply with [insert relevant regulation here], the Commissioner may, by written notice (a “penalty notice”), require the person to pay to the Commissioner an amount in sterling specified in the notice.
- (3) When deciding whether to give a penalty notice to a person and determining the amount of the penalty, the Environment Agency must have regard to the following, so far as relevant:
  - a. the nature, gravity and duration of the failure;
  - b. the intentional or negligent character of the failure;
  - c. any action taken by the entity to mitigate the environmental damage;
  - d. the degree of responsibility of the entity, taking into account technical and organisational measures implemented by the entity in accordance with [good practice];
  - e. any relevant previous failures by the controller or processor;
  - f. the degree of co-operation with the Environment Agency, in order to remedy the failure and mitigate the possible adverse effects of the failure;
  - g. the manner in which the infringement became known to the Environment Agency, including whether, and if so to what extent, the entity notified the Agency of the failure;
  - h. the extent to which the entity has complied with previous enforcement notices or penalty notices;
  - i. adherence to approved codes of conduct or certification mechanisms;
  - j. any other aggravating or mitigating factor applicable to the case, including financial benefits gained, or losses avoided, as a result of the failure (whether directly or indirectly);
  - k. whether the penalty would be effective, proportionate and dissuasive.
- (5) The penalty may be:
  - a. up to 20 million Euros, or 4% of the entity’s total annual worldwide turnover in the preceding financial year, whichever is higher, or
  - b. in any other case, 20 million Euros.

### YY Fees

- (1) Each entity as prescribed by the Secretary of State must pay the annual registration fee to be compliant.
- (2) Failure to comply with s.YY(1) shall be dealt with by way of penalty notice.
- (3) The annual registration fee, as referred to at s.YY(1), shall be £100.



# [Owen's Law]

	<b>The Origin Story</b>
<b>Law (short name)</b>	Owen's Law
<b>Full Name</b>	The Tree Planting Incentive (Carbon Storage) Bill
<b>Theme</b>	Mobilising Green Finance
<b>Team</b>	<i>TMG</i>
<b>Issue</b>	Climate solutions, particularly those relating to the extraction of Co2 from the atmosphere will require the creation of carbon sinks for sequestration. The Committee on Climate Change says the UK must plant 1.5 billion new trees by 2050 to meet its Net Zero target, or 50 million a year. This planting needs to happen quickly <sup>6</sup> but tree-planting in England is falling 71 % short <sup>7</sup> of that government target. Whilst there is a government scheme <sup>8</sup> to provide capital grants for landowners to create woodland these do not create the long term “bankable” income required to mobilise the infrastructure scale finance required.
<b>Solution</b>	Create a long-term government incentive to kickstart infrastructure scale investment in tree planting in a similar vein to the Solar Feed In Tariff.
<b>Context</b>	<p>The government introduced the Woodland Carbon Guarantee<sup>9</sup> on 4<sup>th</sup> November 2019, which creates an auction process to sell carbon capacity to the UK government. However, this doesn't give certainty of price to investors and is only a £50m scheme. The WCG is unlikely to have the certainty or capacity to achieve the 50 million trees a year. An auction, whilst the cheapest for government, may not reflect the hidden carbon cost not currently reflected in the price per ton of Co2.<sup>10</sup> This combined with BEIS forecasting<sup>11</sup> a 400% increase in the cost of carbon by 2030 means investors are unlikely to want to lock into an auction price today (even if indexed linked).</p> <p>The Renewable Feed in Tariff is seen as being the catalyst for the UK solar industry<sup>12</sup>.</p> <p>The global move away from plastic packaging will increase the demand for paper-based products<sup>13</sup> at a time when we need to be preserving trees.</p>

6 <https://www.independent.co.uk/environment/uk-tree-planting-climate-change-billion-committee-net-zero-emissions-a9026726.html>

7 <https://www.theguardian.com/environment/2019/jun/13/tree-planting-in-england-falls-72-short-of-government-target>

8 <https://www.gov.uk/guidance/woodland-creation-grant-countryside-stewardship>

9 <https://www.gov.uk/guidance/woodland-carbon-guarantee#eligibility>

10 <https://www.carbonpricingleadership.org/blogs/2019/8/1/uncovering-the-iceberg-pricing-hidden-carbon-risks-into-financial-portfolios>

11 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/794186/2018-short-term-traded-carbon-values-for-appraisal-purposes.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/794186/2018-short-term-traded-carbon-values-for-appraisal-purposes.pdf)

12 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/456181/TPI\\_Evidence\\_Review.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/456181/TPI_Evidence_Review.pdf)

13 <https://www.mckinsey.com/industries/paper-forest-products-and-packaging/our-insights/pulp-paper-and-packaging-in-the-next-decade-transformational-change>



<b>Impact</b>	<p>The proposed legislation will accelerate the infrastructure scale planting of trees in the UK required to hit the Net Zero target by 2050. It would complement and not replace the Woodland Carbon Guarantee.</p> <p>This bill will provide certainty of price and return for investors to enable billions of pounds to flow into tree planting.</p>
<b>Stakeholders</b>	<p>The key stakeholders that would need to be engaged to deliver this Impact:</p> <ol style="list-style-type: none"> <li>1. DEFRA</li> <li>2. Forestry Commission</li> <li>3. Woodland Trust</li> <li>4. Finance Industry</li> <li>5. Farmers</li> <li>6. Financial Conduct Authority</li> <li>7. UK Government</li> <li>8. UK Citizens</li> </ol>
<b>Application</b>	<p>The new model law anticipates that the Forestry Commission will administer the scheme in the same way it does the Woodland Carbon Guarantee.</p> <p>The existing schemes of capital grants would be replaced by investor equity, but the Woodland Carbon Guarantee would remain.</p> <p>The tariff could have different rates depending on the type of land that is used for planting to encourage re-wilding and a shift from carbon intensive farming whilst providing a long-term replacement income for farmers. It assumes a weighting for native trees. There may be the need to have a small tariff to preserve existing woodland. For example:</p> <ol style="list-style-type: none"> <li>1. 10% tariff to maintain existing native woodlands</li> <li>2. 30% tariff for planting non native trees</li> <li>3. 100% tariff for greenfield sites planting native trees</li> <li>4. 150% for brown field sites (to recognize)</li> <li>5. 200% for intensive dairy farm conversion of grazing land.</li> </ol> <p>The government would place a restriction on the land as part of the grant process in order that tree's were maintained for the period of the tariff.</p> <p>The tariffs should be used to encourage planting of native trees in order to maintain biodiversity.</p>
<b>Notes for users</b>	<p>The existing Woodland Carbon Code<sup>14</sup> could be used instead of creating a new Carbon Planting Certification Scheme.</p> <p>The drafting assumes that tariffs for planting will change over time.</p> <p>Further drafting to create a formal registration and termination procedure would be useful.</p>

<sup>14</sup> <https://www.woodlandcarboncode.org.uk/>

# The Tree Planting Incentive (Carbon Storage) Bill

## A BILL TO

A bill to provide for infrastructure scale investment in tree planting as a way to capture and store carbon in order to transition the UK to net zero emissions and mitigate climate change.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

### Part 1: Introductory provisions

#### Citation and commencement

1. This Order may be cited as the Tree Planting Incentive (Carbon Storage) 2020 and comes into force on 1st December 2020.

#### Interpretation

2. (1) In this Act:

“accreditation” means approval by the Authority of an eligible woodland as an accredited TPI woodland under Part 3, unless the context otherwise requires;

“accredited TPI woodland” means an eligible woodland which has been given accreditation;

“the Authority” means the Forestry Commission;

“brownfield land” means any land registered on the Brownfield Land Register in accordance with the Town and Country Planning (Brownfield Land Register) Regulations 2017;

“carbon capture” means the photosynthesis of carbon dioxide to produce oxygen and wood;

“central TPI register” means the register kept and maintained by the Authority for the purpose of recording details of TPI Creators and their declared carbon capacity;

“confirmation date”; means, in relation to an eligible woodland, the date on which the TPI Creator is entered onto the central TPI register by the Authority, such that the eligible woodland becomes an accredited TPI woodland;

“CPCS” means the Carbon Planting Certification Scheme or equivalent schemes which certify the type of woodland and planting in accordance with the Authority's required standards;

“CPCS certificate” means a certificate given under the CPCS;

“CPCS-certified woodland”; means an eligible woodland which has received a CPCS certificate;

“CPCS-certified registration”; means the process whereby an eligible woodland confirmed as CPCS certified is entered onto the central TPI register by the Authority;

“community woodland” has the meaning given in article 8;

“deemed capacity”; means the carbon captured by an accredited TPI woodland in 1 year which is deemed to be a percentage of the declared carbon capacity where:(a) the trees planted on a Site are in the process of maturing to full capacity; (b) where woodlands are thinned or harvested over time; and (c) determination by the Secretary of State of the percentage or a methodology for determining it;

“declared carbon capacity”; means, in relation to an accredited TPI woodland, the maximum amount of carbon that woodland can capture in one year as determined by using the Woodland Carbon Code Calculation Spreadsheet, measured in tonnes of carbon per annum;

“eligibility date”; means, in relation to an accredited TPI woodland, the date determined pursuant to article 8(5).

“eligibility period” means the period from the date of commencement of this Act and ending 31 December 31 December 2050;

“eligible woodland” means any area of trees planted on a site for the primary purpose of carbon capture and storage.

“extension” means an increase in the size or tree stock of a woodland for the primary purpose of carbon capture and storage to capture carbon;

“greenfield land” means any land above 0.25 ha in size which is being considered for urban development but has not yet been developed;

“grant from public funds” means a grant made by a public authority or by any person distributing funds on behalf of a public authority;

“intensive dairy farmland” means land which at the time of applying for accreditation is used as a dairy farm with a herd of [50 or 100] cows or more and such use has been for a period of the last 5 continuous years.

“native trees” means those trees listed in Schedule 3

“nominated recipient” means a person appointed by a TPI Creator to receive TPI payments in respect of an accredited TPI woodland owned by that TPI Creator and recorded as the nominated recipient such on the central TPI register;

“owner” means, in relation to any eligible woodland the freehold or leasehold owner of the site, and in all other contexts it shall bear its ordinary meaning, and owned as a verb shall be construed accordingly;

“relevant percentage” means in relation to the different types of land:

- a. 10% - for the maintenance existing native woodlands
- b. 30% - for planting non native trees on a Site
- c. 100% - for planting native trees on a greenfield site
- d. 150% - for planting native trees on a brownfield site
- e. 200% - for planting native trees on land converted from intensive dairy farmland

“site” means any land in England and Wales;

“tariff code” has the meaning given in article 13;

“TPI” means Tree-Planting-Incentive;

“TPI Creator” means:(a) in relation to an accredited TPI woodland, the person identified as the owner of such woodland in the central TPI register; and(b) in relation to any other eligible woodland, the owner of such woodland, whether or not that person is also managing or intended to manage the eligible woodland

“TPI payment” means the sum paid to the TPI creator or nominated recipient, as applicable, by the Authority, for the carbon captured by accredited TPI woodland in any period, calculated by reference to article 13;

“TPI tariff” means the amount payable to a TPI Creator or nominated recipient by the Authority per tonne of carbon captured by an accredited TPI woodland; and

“TPI year” means the year commencing on 1st April and ending on 31st March numbered sequentially from TPI Year 1 (being 1st April 2020 to 31st March 2021)



## **Part 2: Specified maximum capacity**

### **Specified maximum size**

3. The specified maximum size of an eligible woodland is [500] Ha of total land planted with trees.

## **Part 3: Accreditation and matters relating to accreditation**

### **CHAPTER 1**

#### **Accreditation**

##### **Application of this Chapter**

4. This Chapter applies where—
- a. an application is made to the Authority for accreditation of an eligible woodland which is to be planted on a Site which is:
    - i. Greenfield Land;
    - ii. Brownfield Land; or
    - iii. Intensive Dairy Farmland; or
  - b. an application has been made to the Authority for accreditation to maintain an eligible woodland which existed prior to this Act.

##### **Accreditation of eligible woodlands**

- (1) The Authority must only approve an eligible woodland as an accredited TPI woodland as provided by this article.
- (2) The Authority must accredit an eligible woodland if article 6 is satisfied but must not do so if article 7 applies.
- (3) Where the Authority accredits an eligible woodland, it may attach such conditions as it considers appropriate.
- (3) Where the Authority accredits an eligible woodland as an accredited TPI woodland, it must—
  - a. update the central TPI register; and
  - b. in the case of an eligible woodland accredited further to an application mentioned in article 4(a), give notice to the person who made that application of the accreditation and any conditions attached to it.
- (4) Where the Authority determines that a woodland is not entitled to accreditation, it must give notice of its decision to the person who made that application.
- (5) A notice given under paragraph (5) must include reasons why the woodland was not accredited.

### **Exceptions to accreditation applicable to all eligible woodlands**

5. (1) The Authority shall accredit an eligible woodland as an accredited TPI woodland where:
  - a. the eligible woodland which is the subject of an application does not exceed the specified maximum size set out in article 3;
  - b. if the woodland is an extension to:
    - i. an accredited TPI woodland; or
    - ii. another woodland,

the aggregate total size of the extension and the woodland referred to in paragraph (i) or (ii) does not exceed the specified maximum size; or
  - c. the woodland has the benefit of a contract under the Woodland Carbon Guarantee Scheme.
- (2) The Authority must not accredit an eligible woodland as an accredited TPI woodland unless the TPI creator has given notice to the Authority that:
  - a. other than a Woodland Creation Grant, no grant from public funds has been made in respect of any of the costs of purchasing or planting the woodland; or
  - b. where any such grant has been made, the grant has been repaid to the person or authority which made it.

### **Limit on numbers of eligible woodlands planting non- Native Trees**

6. (1) Paragraph (3) applies once the Authority has accredited [10,000] Ha of relevant eligible woodlands.
- (2) “Relevant eligible woodland” means a woodland that has more than 75% non-Native Trees in its tree stock
- (3) Where this paragraph applies, the Authority must not accredit any more relevant eligible woodlands.

## **CHAPTER 2 - Preliminary accreditation and pre-registration**

### **Pre-registration of community woodlands**

7. (1) This article applies where a community organisation proposes to plant or maintain a community woodland which is not an extension.
- (2) The Authority must, upon receiving an application by a community organisation for pre-registration of a community woodland referred to in paragraph (1), which the Authority is satisfied meets the conditions in paragraph (3):
  - a. pre-register the woodland; and
  - b. give notice to the applicant of the pre-registration, and the period for which it is valid.

- (3) The conditions are that the application:
- a. specifies:
    - i. the type and number of Native Trees to be planted in the woodland;
    - ii. the total declared carbon capacity of the woodland;
    - iii. the address of the Site on which the woodland will be planted;
  - b. is accompanied by:
    - i. evidence that the applicant is a community organisation; and
    - ii. contains such other information as the Authority may require.
- (4) A pre-registration under this article is valid for one year beginning with the date on which the Authority received the application for pre-registration.
- (5) If an application for TPI Payments for a pre-registered community woodland is received by the Authority during the period of validity of its pre-registration, and the community woodland is accredited pursuant to that application:
- a. the eligibility date of the woodland is the later of:
    - i. the date on which the Authority received the application for pre-registration; or
  - b. the date on which the woodland was CPCS-certified by the Authority.
- (6) In this article—
- “community benefit or co-operative society” means:
- a. a society registered under the Co-operative and Community Benefit Societies and Credit Unions Act 1965 (“the 1965 Act”) as a community benefit society or as a co-operative society; or
  - b. a pre-2010 Act society (as defined in section 4A(1) of the 1965 Act);
- “community woodland” means an eligible woodland:
- a. the location of which is within 1 mile of the community to which it relates; and
  - b. in relation to which the TPI Creator is a community organisation;
- “community interest company” means a company issued a certificate of incorporation under section 36B(1) or 38A(1) of the Companies (Audit, Investigations and Community Enterprise) Act 2004;
- “community organisation” means-
- a. a community interest company; or
  - b. a community benefit or co-operative society,
- other than such a company or society with more than 50 employees;



### **CHAPTER 3 - Matters relating to accreditation**

#### **Tariff codes**

8. The Authority must assign a tariff code to each accredited TPI woodland taking into account—
- a. the species of trees planted, and the carbon capacity of, the accredited TPI woodland;
  - b. the period in which the tariff date for the accredited TPI woodland falls; and
  - c. such other information as may be relevant,
- so that the tariff code enables identification of the TPI tariff which apply to the eligible woodland.

#### **Unique identifiers for accredited TPI woodlands**

9. The Authority must assign each accredited TPI woodland with an identifier which is unique to that accredited TPI woodland.

#### **Site of accredited TPI woodlands**

10. (1) Where an application has been made to the Authority:
- a. for accreditation of an eligible woodland as mentioned in article 4(a); or
  - b. for preliminary accreditation of an eligible woodland,
- before granting accreditation or preliminary accreditation the Authority must determine the site of the eligible woodland in accordance with this article.
- (2) The Authority must determine the site of a woodland by reference to such of the following criteria as the Authority considers appropriate:
- a. the address of the premises at which the woodland is, or is to be, located;
  - b. the Ordnance Survey grid reference at which the woodland is, or is to be, located; and
  - c. any other factors which the Authority considers relevant.

#### **Calculating and publishing TPI payment rates**

12. (1) On or before 1st February in each year, the Authority must publish a table setting out, for the following TPI year (“the relevant TPI year”):
- a. The TPI Tariffs which are to apply to all accredited TPI woodlands.
- (2) On or before 1st August in 2021 and each subsequent year, the Authority must:
- a. determine whether any changes to the TPI tariffs published under paragraph (1)(b) are to apply to accredited TPI woodlands with a tariff date on or after the following 1st October; and
  - b. publish those changes.

- (3) On or before the dates specified in the first column of the following table the Authority must publish a table setting out the TPI tariffs which are to apply, for the TPI year in which the period specified in the corresponding entry in the second column of the table (the “TPI tariff period”) falls, to eligible woodlands with a tariff date in that TPI tariff period.

<b>Publication date</b>	<b>TPI tariff period</b>
1st March 2021	1st May 2013 to 30th June 20121
1st May (in 2021 and each subsequent year)	the following 1st July to 30th Sept
1st August (in 2021 and each subsequent year)	the following 1st October to 31st Dec
1st November (in 2021 and each subsequent year)	the following 1st January to 31st March
1st February (in 2022 and each subsequent year)	the following 1st April to 30th June
April (in 2022 and each subsequent year)	the preceding 1st January to 31st March

- (4) The Authority must determine the TPI tariffs under paragraphs (2) and (3) by reference to the data published by the Secretary of State under article 36 and Schedule 2.

### **TPI payment adjustments**

13. (1) In order to calculate the TPI payments to be made to TPI owners or their nominated recipient the Authority shall adjust the applicable TPI tariff by the Relevant Percentages using the formula below:

$$(TF \times TCO2) \times RP = \text{TPI payment}$$

where:

- a. TF is the applicable TPI tariff for the accredited TPI woodland as set out in the central TPI register;
- b. TCO2 is the deemed capacity for the accredited TPI woodland; and
- c. RP is the applicable relevant percentage expressed as a decimal.

**Withdrawal of accreditation, etc.**

14. (1) The Authority may take any of the actions mentioned in paragraph (2) in relation to an accredited TPI woodland if:
  - a. the Authority has reason to believe that any of the circumstances mentioned in paragraph (3) apply; and
  - b. the Authority considers the action to be appropriate having regard to those circumstances.
- (2) The actions referred to in paragraph (1) are:
  - a. withdrawing accreditation of the woodland;
  - b. suspending accreditation of the woodland;
  - c. changing the tariff code assigned to the woodland;
  - d. attaching conditions to the accreditation; or
  - e. amending conditions attached to the accreditation.
- (3) The circumstances referred to in paragraph (1)(a) are that:
  - a. the decision to grant the accreditation (or, if the woodland had preliminary accreditation, the decision to grant the preliminary accreditation) was based on information which was incorrect in a material particular;
    - i. any condition attached to the accreditation has not been complied with;
    - ii. the woodland has been extended or otherwise modified in such a way that it would not be entitled to accreditation; or
    - iii. the Authority has received notice from a relevant public authority that the planting and management of the accredited TPI woodland is in breach of any provision of legislation or of any licence or consent granted for the woodland;
- (4) In paragraph (3)(d), “relevant public authority” means a court or tribunal, or a public authority responsible for enforcing the legislative provision or the licence or authorisation in question.
- (5) If the Authority takes any action under this article in relation to an accredited TPI woodland it must:
  - a. amend the central TPI register to record the action; and
  - b. give notice to the TPI Creator and, where applicable, the nominated recipient, which must:
    - i. include reasons for taking the action; and
    - ii. specify the date on which the action taken has effect.
- (6) The Authority may revoke or vary any action taken under this article and, if it does so, paragraph (5) applies to the variation or revocation as it does to the taking of that action.

## Part 4: Accreditation of extensions to woodlands

### Accreditation of extensions to accredited TPI woodlands

15. (1) Paragraph (2) applies where the Authority receives notice that an accredited TPI woodland has been extended.
  - (2) Where this paragraph applies, the Authority must:
    - a. treat the extension as a separate eligible woodland;
    - b. decide whether or not to accredit the extension in accordance with Part 3; and
    - c. where it decides to accredit the extension, assign the extension a separate tariff code based on the aggregate declared carbon capacity of both the extension and the existing accredited TPI woodland.
16. In this Part, “notice”, in relation to an woodland, means a notice given to the Authority by a TPI Creator.



## Part 5: The central TPI register

### The central TPI register

17. (1) It is the function of the Authority to keep and maintain the central TPI register.
- (2) The central TPI register:
  - a. must contain the information described in Schedule 1; and
  - b. may contain such additional information which the Authority considers is relevant to the efficient operation of the TPI scheme.
- (3) The Authority must, so far as it is possible, ensure that entries in the central TPI register are accurate and up to date.
- (4) From information on the central TPI register, the Authority must publish the number of accredited TPI woodlands participating in the TPI scheme.
- (5) The Authority must publish the information described in paragraph (4) as often as it sees fit during the TPI year but, in any event, at least once every 3 months.

### Error in the central TPI register

18. Where the Authority discovers that there is an error on the central TPI register, the Authority must—
  - a. update the central TPI register to correct the error; and
  - b. if the correction affects the entitlement of a person to TPI payments, give notice of the change to the Authority.

### Modifications, nominations and terminations

19. (1) Paragraph (2) applies where the Authority is given notice by a TPI licensee of any of the following matters—
  - a. that an accredited TPI woodland has been modified;
  - b. that a TPI Creator has—
    - i. appointed or changed a nominated recipient; or
    - ii. terminated the TPI Creator's participation in the TPI scheme.
- (2) Where this paragraph applies, the Authority must update the central TPI register and give notice to the TPI licensee (and, in the case of a termination, the TPI Creator)—
  - a. that the central TPI register has been updated; and
  - b. when the update was made.
- (3) In this article, “modified” in relation to an accredited TPI woodland excludes an extension to the woodland.

## Part 6: Administrative functions of the Authority

### Publication of guidance

20. (1) The Authority may publish procedural guidance to TPI Creators and nominated in connection with the administration of the TPI scheme.
- (2) The Authority must publish that information as soon as possible after the start of each TPI year.

### Annual reports

21. On or before 31st December after the end of each TPI year the Authority must provide to the Secretary of State a report in respect of that TPI year setting out the following—
  - a. the total TPI payments made;
  - b. the total carbon capacity planted;
  - c. the total amount of carbon captured; and
  - d. the total number of accredited TPI woodlands participating in the TPI scheme.

### Additional information

22. (1) The Authority may require a TPI creator to provide it with any information which it believes the TPI creator holds and which, in the Authority's opinion, it requires in order to discharge its functions under the TPI scheme.
- (2) On request from the Secretary of State, the Authority must provide to the Secretary of State such additional information in relation to the TPI scheme as is requested.

### Notices to reduce, withhold or recoup TPI payments

23. (1) Where the Authority has good reason to believe that a TPI Creator or nominated recipient may have received a TPI payment to which it was not entitled, the Authority may give notice to the TPI licensee which made the payment to—
  - a. reduce further TPI payments due to be made to the TPI Creator or nominated recipient until any amount overpaid has been recovered;
  - b. withhold further TPI payments due to be made to the TPI Creator or nominated recipient; or
  - c. recoup any amount overpaid from the TPI Creator or nominated recipient.
- (2) Where the Authority subsequently establishes that the TPI Creator or nominated recipient was entitled to receive the TPI payment, the Authority must give notice to the TPI licensee that—
  - a. the amount of any TPI payment which was reduced, withheld or recouped should be paid to the TPI Creator or nominated recipient as soon as possible; and
  - b. where TPI payments have been withheld, TPI payments to the TPI Creator or nominated recipient should recommence.

## Part 7: Functions of the Secretary of State

### TPI deployment data

24. The Secretary of State must determine and publish data in accordance with Schedule 2.

### Deemed Carbon Capture

25. (1) The Secretary of State must determine in respect of each TPI year the amount of carbon deemed to be captured by accredited TPI woodlands.
- (2) The amount under paragraph (1) must be expressed as a percentage of the amount of declared carbon capacity of the accredited TPI woodland.
- (3) Different percentages may apply to different categories of accredited TPI woodland.
- (4) The determination of a percentage under paragraph (1) must be based on an estimate of the proportion of carbon captured by the category of woodland by reference to:
- a. maturity of the trees planted;
  - b. the species of trees planted; and
  - c. the density of the woodland.
- (5) The Secretary of State must publish a determination under paragraph (1) not less than one month before the beginning of the TPI year to which it relates.

## Part 8: Miscellaneous

### Notices

26. A notice under this Order—
- a. must be in writing; and
  - b. may be transmitted by electronic means



### Schedule 1: The central TPI register

1. (1) The central TPI register must contain sufficient information to identify each accredited TPI woodland.
- (2) Information under paragraph (1) must include, in respect of each accredited TPI woodland:
  - a. the tariff code assigned under article 9;
  - b. the unique identifier assigned under article 10;
  - c. the site of the woodland determined under article 11;
  - d. the confirmation date;
  - e. whether or not the woodland has been extended;
  - f. whether or not the woodland has been modified (other than by way of an extension which falls within Part 4);
  - g. if applicable, the number of the CPCS certificate;
  - h. the species of trees planted;
  - i. the total declared carbon capacity;
  - j. details of the TPI Creator and, if applicable, details of the TPI Creator's nominated recipient; and
  - k. the amount of the TPI Payments made.
2. The central TPI register must contain sufficient information to identify, in respect of each accredited TPI woodland, the TPI Creator and any nominated recipient to whom TPI payments are made.



## Schedule 2: Publication of TPI deployment data

1. On or before the sixth working day before the end of each month specified in the first column of the following table, the Secretary of State must, for the period specified in the corresponding entry in the second column of the table (the “TPI deployment period”), determine and publish the data set out in paragraph 2.

<b>Month of publication</b>	<b>TPI deployment period</b>
February 2021	1st November 2020 to 31st January 2021
April 2021	1st February 2021 to 31st March 2021
July (in 2021 and each subsequent year)	the preceding 1st April to 30th June
October (in 2021 and each subsequent year)	the preceding 1st July to 30th September
January (in 2022 and each subsequent year)	the preceding 1st October to 31st December
April (in 2022 and each subsequent year)	the preceding 1st January to 31st March

2. The data referred to in paragraph 1 are:
  - a. the aggregate declared carbon capacities of TPI woodlands;
  - b. the amount of carbon captured by TPI woodlands in the relevant planting period; and
  - c. the proportion of Native Trees planted in TPI woodlands versus non-Native Trees;
4. In paragraph 3, “relevant planting period” means:
  - a. in relation to the data to be published in January, the preceding calendar year; and
  - b. in relation to the data to be published in July, the preceding 1st January to 30th June

### Schedule 3: Native Trees

Any tree listed as Native by the Royal Forestry Commission including the following species:

- |                    |                 |                      |
|--------------------|-----------------|----------------------|
| a) Alder           | k) Field maple  | u) Privet            |
| b) Alder buckthorn | l) Goat willow  | v) Rowan             |
| c) Ash             | m) Grey willow  | w) Scots Pine        |
| d) Aspen           | n) Guelder rose | x) Small-leaved lime |
| e) Beech           | o) Hawthorn     | y) Spindle           |
| f) Birch           | p) Hazel        | z) Sweet chestnut    |
| g) Blackthorn      | q) Holly        | aa) Wayfaring tree   |
| h) Buckthorn       | r) Hornbeam     | bb) Whitebeam        |
| i) Crab apple      | s) Juniper      | cc) Wild cherry      |
| j) Dogwood         | t) Oak          | dd) Yew              |



# [Ideas Pipeline – Model Laws to be considered for Drafting]

The following are ideas for clauses and contracts that The Chancery Lane Project will consider and where appropriate draft. If you would like to get involved in drafting these or have any other ideas for contractual clauses to help fight climate change please email [contact@chancerylaneproject.org](mailto:contact@chancerylaneproject.org)

## Ideas:

1	EIS, Investor and Entrepreneurs Relief only available for climate change mitigation businesses or Impact investing
2	Create a Green Patent regime with fast tracked applications and longer protection
3	Create a compliance and tax inducement program to encourage new tech creation
4	Have zero import tariffs on green tech like solar panels etc
5	Zero corporation tax for carbon capture technology companies based in the UK.
6	Create a delivery mile tax
7	An obligation in IT/web contracts for all hosting to be via providers operating on 100% renewable energy
8	Make environmental negligence or damage “Gross Misconduct” in employment law
9	A fair carbon law that states suppliers will not shirk their responsibilities down to the bottom of the supply chain - rather they have to collaborate with them to mitigate carbon
10	New model articles that embed purpose and environmental matters in UK PLC
11	Distributable Reserves calculation for dividend declaration needs to account for natural capital available in carbon budget.
12	Employee gross misconduct for employees who accelerate climate change
13	Company directors strategic reports to include commentary on how the business is transitioning to net zero
14	A law to ensure flexible working requests take account of the carbon that could be saved in accepting the request
15	Climate Change Statement to be published on every organization’s website - like a cookie policy etc
16	Create Environmental regulation that has a direct impact on companies with associated penalties and fines. We spent the last 5 years implementing GDPR and Bribery because of the potential impact on businesses. It became a board level issue overnight.
17	Amend the Companies Act so that the distributable reserves calculation for a dividend declaration must include a provision for consumed and available carbon and natural capital.
18	Introduce mandatory accounting for natural capital
19	Climate impact should be part of audit requirements

<b>20</b>	Perpetual Purpose Trust as a structure to own companies. This would reduce the pressure to maximise short-term quarterly profits and exit-value whilst still making a profit for beneficiaries, allowing employee ownership and baking in purpose for ever.
<b>21</b>	Use lower employee tax/NI incentives to drive green behaviour
<b>22</b>	No or discounted community interest levy or s106 payments on EPC A builds
<b>23</b>	Lower business rates for energy efficient buildings
<b>24</b>	Lower income tax for plant based diets
<b>25</b>	Make it illegal to commute with only one person in a car
<b>26</b>	Reintroduce the Zero carbon Homes requirements that were shelved in 2016
<b>27</b>	Help to buy schemes to only be available on energy efficient homes
<b>28</b>	Create city decarbonisation zones in a similar way to regeneration zones.
<b>29</b>	Have a renewable energy tax credit for efficient building, reducing energy and being net zero.
<b>30</b>	Red Book Property Valuations to take full account of energy efficiency of buildings
<b>31</b>	Introduce a carbon tax the proceeds of which are used to invest in new tech, renewable energy and capacity. The tax could be tiered depending on emission levels. Tax would be aggressive
<b>32</b>	Introduce a Zero VAT on bikes to encourage more riding to work etc
<b>33</b>	Receive solar panels/energy efficiency home improvements as part of the state pension
<b>34</b>	Creating a Carbon Tsar
<b>35</b>	Corporation tax reduced to 15% for companies at Net Zero.
<b>36</b>	Reduce corporation tax on builders building 90% of homes to EPC A
<b>37</b>	In the same way as oil is seen as a distressed asset how do we help dairy farmers whose business could be viewed in the same way. Defra to pay fair value and convert to forests?
<b>38</b>	Wholesale electricity cost to have a brown adder
<b>39</b>	Establish trees and forests as part of the UK renewables/ carbon infrastructure
<b>40</b>	Amend the law commissions act 1965 to ensure that all reviews and recommendations are reviewed through a net zero, climate change and next gen lens

<b>41</b>	Create a presumption of clearance for competition law issues relating to mergers and joint ventures that will have an overriding benefit to the environment
<b>42</b>	Offence of failing to prevent facilitation of climate change acceleration. Similar to those for facilitating tax evasion with UK and international offences
<b>43</b>	Create an Insolvency/Administration law that provides for a new class of preferred creditor - the carbon class. Where a liquidator or administrator has to provide funds to offset the carbon impact of the company
<b>44</b>	Embed UK net zero obligations into North Sea Oil licencing regime
<b>45</b>	Companies will pass on their carbon commitments to suppliers and value chains without paying for the supplier or their host country to mitigate properly. In effect shifting the issue.
<b>46</b>	Require a company to show their purpose in articles and articulate this as a purpose statement on their websites.
<b>47</b>	All local councils to have an inter generational scrutiny committee to ensure long term decision making
<b>48</b>	DEFRA consent required to build a commercial building above 10,000 sqft that is not EPCA
<b>49</b>	Mandatory retrofit of gas boilers, like the smart meter roll out
<b>50</b>	Tree planting as part of community service orders
<b>51</b>	Amend the Business Protection from Misleading Marketing Regulations 2008 (SI 2008/1276) to ensure carbon is fairly represented on adverts
<b>52</b>	Create a specimen prevention of environmental damage clause for use in public sector contracts for the supply of services, drafted from the public body customer's perspective.
<b>53</b>	Create an EPA that has the ability to undertake dawn raids in the same way as competition and other authorities have - this will push it up the corporate agenda
<b>54</b>	Amend the Senior Managers and Certification Regime to ensure there is responsibility for climate change issues and reporting
<b>55</b>	FTSE and AIM Disclosure Rules to be amended to include climate impact reporting

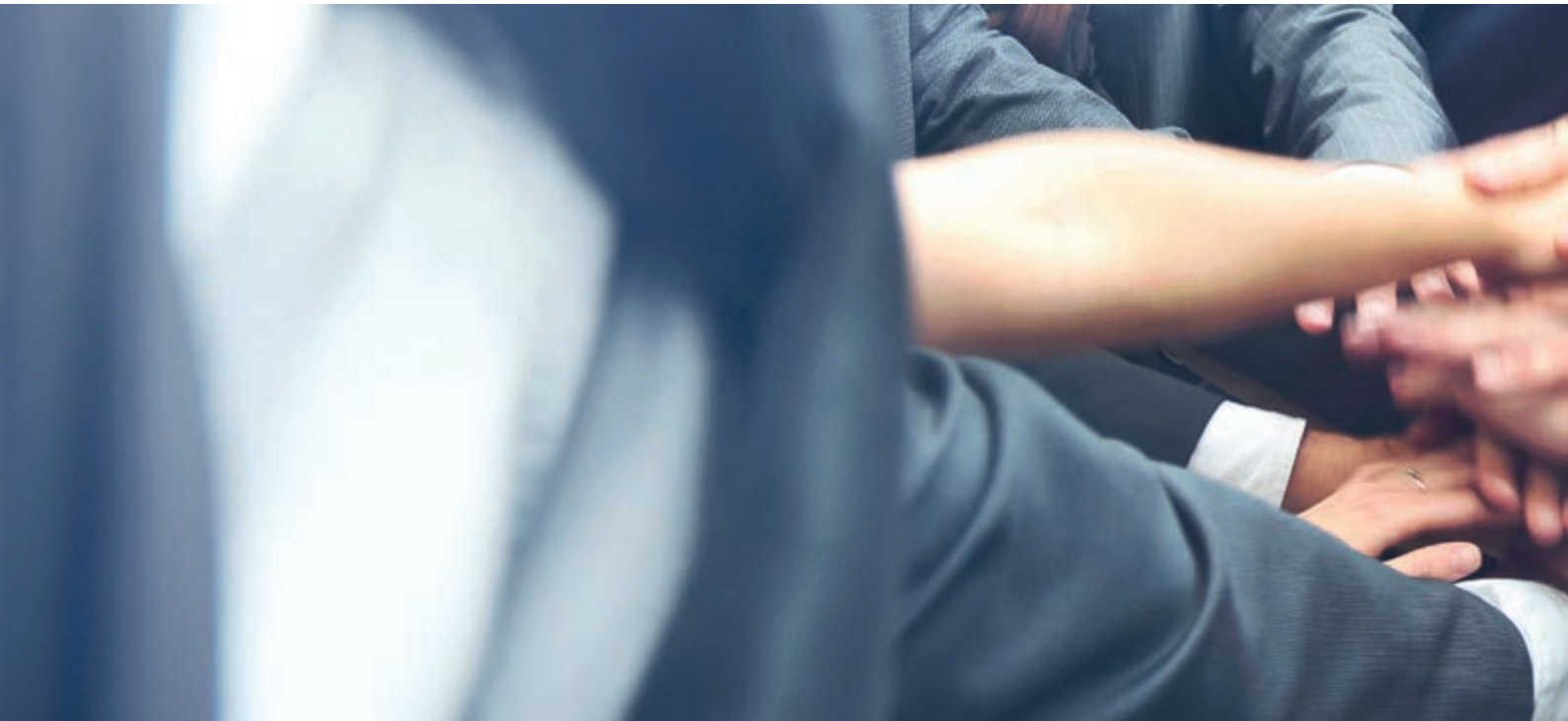
<b>56</b>	R&D tax credit only for climate change mitigation tech/tech that is meeting UN SDGs
<b>57</b>	Create a stamp duty land tax natural capital premium - sliding scale linked to EPC of property. The less efficient the building is the more the SDLT payment
<b>58</b>	Create a carbon credit that businesses can sell if they become carbon positive - ie beyond net zero.
<b>59</b>	Create a new system of Green loans to enable businesses and individuals to transition to net zero - a bit like student loans that are taken out of future income
<b>60</b>	Create a Net Zero transition bank - goes beyond Green Bank
<b>61</b>	A set of standardised risk standards that can be included in contracts which will allow for standardised disclosure
<b>62</b>	Change prospectus rules to require fair disclosure of carbon consumption and emissions as well as plans to transition to Net Zero
<b>63</b>	EMI discounts could be higher for Net Zero companies
<b>64</b>	Create an enhanced green washing offence focused on ESG, UNSDG or climate change washing.
<b>65</b>	Create a new estate in land for roof tops in order to accelerate the installation of solar.
<b>66</b>	Amend Procurement law to ensure "Best Value" includes accounting for carbon footprint and intergenerational issues.
<b>67</b>	Compulsory tree planting orders for disused land
<b>68</b>	Problem is incentivising energy companies to sell less to households. Decoupling MWh (renewable or otherwise) from profits
<b>69</b>	a low income home efficiency improvement regime?
<b>70</b>	Create a new "Right of Light" law to prevent shading of solar panels
<b>71</b>	Building regulations to ensure that all roofs are built to a standard that can hold solar panels
<b>72</b>	A law requiring online retailers to show the carbon footprint of a home delivery, rather than a central pick up at the point of sale

# Contributing, Participating or Supporting Firms and Organisations

Whilst the views and drafting of the Project are not attributable to our participators, contributors and supporters, our Project would not have been possible without their support and networks. It goes without saying that we thank all of the them who are supporting, participating or in some way contributing to the Project.

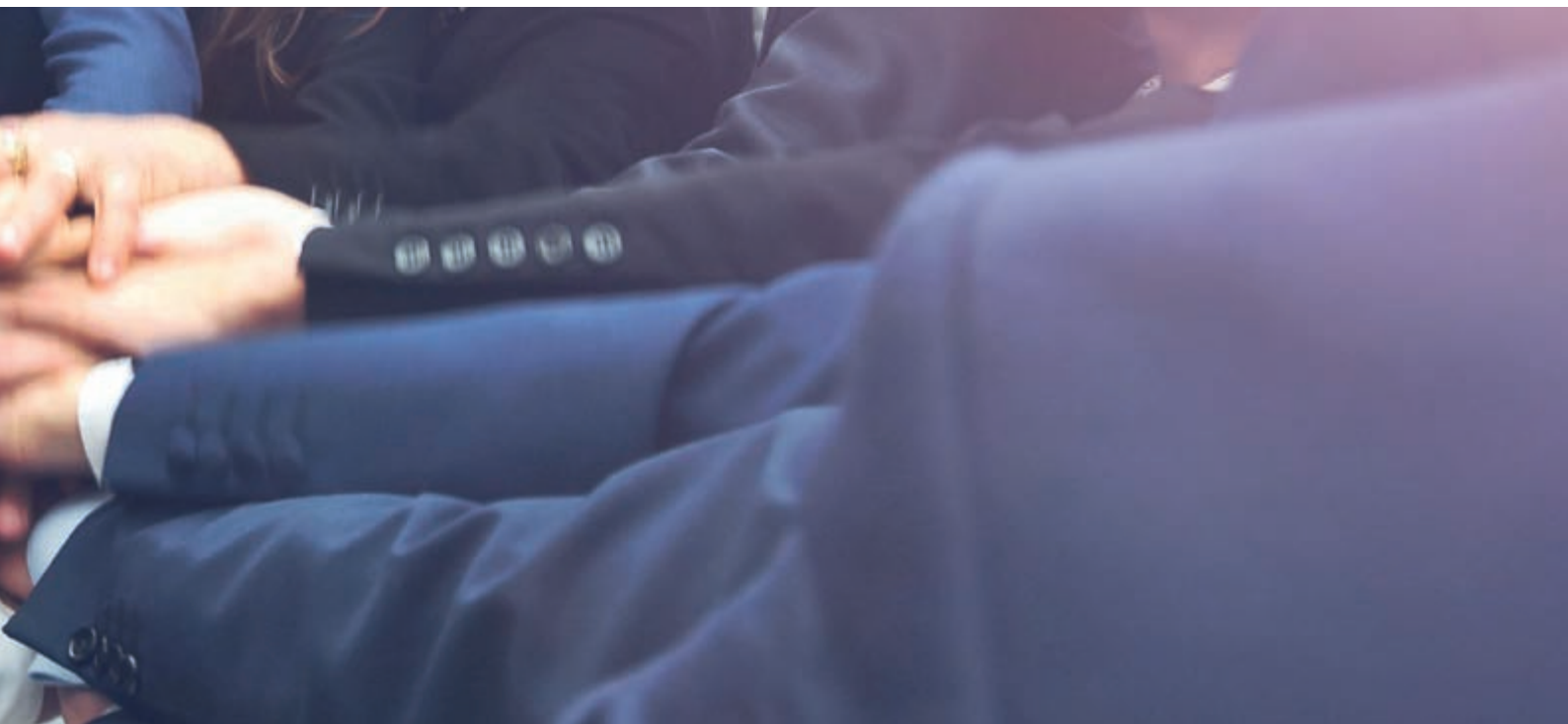
These include:

- 10 King's Bench Walk
- Acuity Law
- Akin Gump Strauss Hauer & Feld
- Airbnb (in house legal)
- Allen & Overy
- Anthony Collins
- Achill Management
- Ashfords
- Ashurst
- Bates Wells
- Bevan Brittan
- Bloomberg (in house legal)
- Bryan Cave Leighton Paisner
- The Bar Council
- Capital One (Europe) (in house legal)
- Charles Russell Speechlys
- Citi Group (in house legal)
- ClientEarth
- Clifford Chance
- Clyde & Co
- Commonwealth Climate and Law Initiative
- Cornerstone Chambers
- Davies and Partners
- Debevoise & Plimpton
- Doughty Street Chambers
- Eversheds Sutherland
- Foot Anstey
- Forsters
- Global Witness (in house legal)
- Goldman Sachs (in house legal)
- Herbert Smith Freehills
- Grantham Research Institute on Climate Change and the Environment at the LSE
- Low Carbon (in house legal)





- The Law Society
- Reed Smith
- Trowers & Hamblins
- Hogan Lovells
- International Airlines Group (in house legal)
- Kirkland & Ellis International
- Legal Sustainability Alliance
- Lewis Silkin
- Loan Markets Association (in house legal)
- Longmores Solicitors
- Lux Nova Partners
- Macfarlanes
- McDermott Will & Emery UK
- Michelmores
- MinterEllison
- Mishcon de Reya
- Norton Rose Fulbright
- Oxygen House Group (in house legal)
- Penningtons Manches Cooper
- Pinsent Masons
- Practical Law (Thomson Reuters)
- Queen Mary University of London
- RSG Consulting
- Simmons & Simmons
- Slaughter and May
- Stephen Tromans QC, 39 Essex Chambers
- UK In House Pro Bono Group
- University of Exeter Law School
- University of Glasgow School of Law
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- Wiggin



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