

SCOTTISH LAW COMMISSION REPORT ON THE SCOTTISH BIODIVERSITY DUTY: 2021 – 2023

Biodiversity and the Scottish Law Commission

1. The Scottish Law Commission is an advisory non-departmental public body. The Commission was established by the Law Commissions Act 1965 for the purpose of promoting law reform, in particular making recommendations to Ministers for the improvement and modernisation of Scots law.
2. The Commission comprises 5 Scottish Law Commissioners, who are appointed by Scottish Ministers; and a small number of legal and administrative staff who are Scottish Government employees assigned to work at the Commission.
3. The Commission generally works from an office at Parliament House, 11 Parliament Square, Edinburgh EH1 1RQ. It moved there in June 2023 from the previous premises at 140 Causewayside, Edinburgh EH9 1PR. For a period from March 2020, however, Commission staff worked remotely from home during the Covid-19 pandemic, in accordance with the various restrictions which were in force.
4. The Nature Conservation (Scotland) Act 2004 placed a statutory requirement on all public bodies in Scotland to further the conservation of biodiversity when carrying out their responsibilities. The Wildlife and Natural Environment (Scotland) Act 2011 placed a further requirement on all public bodies in Scotland to provide a publicly available report, every 3 years, on the actions which they have taken to meet this biodiversity duty.
5. The Commission carries out its functions under a Programme of Law Reform, which is prepared after a public consultation. The Programme is approved by Scottish Ministers and laid before the Scottish Parliament. The current Programme of Law Reform, the Eleventh, covers the 5 year period from 2023 to 2027 and is on the Commission's website: <https://www.scotlawcom.gov.uk/law-reform/eleventh-programme-of-law-reform/>. The Tenth Programme covered the previous 5 year period. The Programmes illustrate the type of law reform projects that the Commission undertakes.
6. The Commission's statutory functions in relation to law reform are unlikely to have implications for biodiversity unless a particular law reform project reviews some aspects of environmental law, or aspects of the law that impact upon the environment or functions in relation to the environment. In the past 3 years, the Commission has not undertaken any law reform project on an area of environmental law, or any other project with implications for biodiversity. However, the Eleventh Programme contains a project to consolidate certain legislation relating to nature conservation.
7. The Commission's main contribution to the conservation of biodiversity is therefore in running the office and the organisation with a view to the conservation of biodiversity, This is achieved by the way in which the organisation is run, by using appropriate suppliers and services who meet and contribute to environmental standards, and by the efficient use of resources.

8. The Commission are committed to operating efficiently as an organisation, and in how the office is managed. The Commission aims to use resources effectively, minimise waste, re-use materials where possible, and invest in efficient equipment. The Commission is open to changing office procedures further in order to improve sustainability.

9. In the period 2021-2023, the Commission has carried out reviews to establish our environmental performance. The information gathered has been used to set annual objectives and targets where practicable, in areas such as waste minimisation, paper use, water use, and energy efficiency. A recycling scheme provides for recycling of paper, cans, plastic, and items such as toner cartridges.

10. This information is contained in the Commission's environmental policy. The environmental policy is available on the Commission's website at the following link: <https://www.scotlawcom.gov.uk/about-us/environmental-policy/>. The objectives and targets in the policy are kept under regular review by the Commission.

11. Particular activities and achievements by the Commission under our environmental policy during the period 2021-2023 include:

- As regards purchasing products and services, continuing to use the collaborative contracts negotiated by the Scottish Government Procurement Directorate: covering supply of electricity; water and sewerage services; taxi services; travel; IT supplies; provision of paper and stationery; and furniture. Other services in relation to our accommodation such as cleaning are provided further to Scottish Courts and Tribunal Service procured contracts. These contracts require certain environmental standards to be met, for example bleach is not now used in the office for cleaning.
- Continuing efforts to reduce waste, with the development of the recycling schemes; a new recycling unit was purchased to facilitate recycling; and reusable cups for drinking water were purchased to replace plastic cups. .
- For in-house printing and photocopying paper, the Commission continues to use 100% recycled paper and only prints where necessary.
- The Commission continues to publish reports and discussion papers online only on our website; for environmental reasons and to save costs. Our paper consumption and publishing costs fell by 40% in the period following our decision in 2016 to publish online only, with consequent savings in subsequent years, as a result of no longer publishing a large number of discussion papers and reports in hard copy.
- On consumption of water in the office, the achievement of the water consumption per person per year target in accordance with Government guidelines on good practice.
- To reduce the need to travel for work purposes, the Commission uses a number of IT services to enable efficient communication for business purposes. The Commission used to use a conference phone for telephone conferencing but in early 2020 MS Teams was installed in all PCs to enable video, audio and chat communications between teams, colleagues, and third parties. The Commission

also has a travel plan in place to encourage a reduction in travel where possible, and the use of sustainable travel arrangements where travel is necessary.

- For a period during the lockdown and restrictions resulting from the Covid-19 pandemic, the Commission operated on a work from home basis, using networked laptops for electronic communication for business purpose. The office was not occupied for a period, with only occasional visits for essential business reasons, such as enabling maintenance work on the office building; and carrying out essential printing and finance work. This resulted in efficiency savings on a number of fronts, which contributed to our environmental aims and targets by reducing our environmental impact, and so assisting the aim of the conserving biodiversity. These efficiency savings include: on travel – no business travel was undertaken; on communications – communications were very largely by electronic means, thus saving on printing and saving paper; on training and development – these activities were undertaken by online means, saving on travel and costs; and home working instead of working from the office resulted energy savings, saving on office heating and lighting. Following the end of the pandemic there is now a hybrid working scheme in place whereby staff may choose to work remotely for some of their contracted hours.

June 2023