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## Govt's climate strategy deemed "unlawful" in historic ruling

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Following victory in court, the government will now have to revise its climate strategy to show how key emissions reduction targets will be met.

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In a landmark victory for climate justice that comes as the UK faces its hottest day on record, the High Court has ruled that the government's Net Zero Strategy breaches the Climate Change Act.

The legal challenges brought by Friends of the Earth, ClientEarth, Good Law Project and environmental campaigner Jo Wheatley, were heard together at the Royal Courts of Justice in June.

In a judgment published today – amid the Met Office's first ever red alert for extreme heat – Mr Justice Holgate finds the Net Zero Strategy, which sets out plans to decarbonise the economy, doesn't meet the government's obligations

the Climate Change Act to produce detailed climate policies that show how the UK's legally-binding carbon budgets will be met.

It also finds that parliament and the public were effectively kept in the dark about a shortfall in meeting a key target to cut emissions.

The ruling states that Greg Hands, the minister for business, energy and industrial strategy, who was responsible for signing off the Net Zero Strategy, didn't have the legally required information on how carbon budgets would be met. However, he nevertheless approved the strategy.

Now that it's been found unlawful, the government will have to update its climate strategy to include a quantified account of how its policies will achieve climate targets, based on a realistic assessment of what it actually expects them to deliver. The updated strategy will have to be presented to parliament for scrutiny by MPs.

The refreshed plan should include sound policies that stand up to the scrutiny of the Climate Change Committee (CCC), which recently found that [credible plans exist for just two fifths of the government's required emissions reductions](#). The judgment strengthens the critical expert role of the committee by stating that their advice must be given "considerable weight".

During the court proceedings, it emerged that behind-the-scenes calculations by civil servants to quantify the impact of emissions cuts from policies in the government's Net Zero Strategy did not add up to the reductions necessary to meet the sixth carbon budget – the volume of greenhouse gases the UK can emit during the period 2033-37.

This 5% shortfall over the sixth carbon budget is significant in climate terms and totals around 75 million tonnes of CO<sub>2</sub>e – equivalent to almost the total annual emissions from all car travel in the UK\*. It's also possible that a realistic estimate of the shortfall would be much greater than 5%, given concerns raised at the hearing about the robustness of the methodology used for the calculation.

These figures were not shared with parliament, or made available for public scrutiny. The judgment stresses the importance of government transparency and the essential role of parliamentary accountability in efforts to tackle the climate crisis.

**Friends of the Earth lawyer, Katie de Kauwe, said:**

"We're proud to have worked on this historic case. Taking strong action to cut carbon emissions is a win-win. Not only is it essential to preventing climate breakdown, but we can also tackle the cost of living crisis with cheap, renewable energy.

"This landmark ruling is a huge victory for climate justice and government transparency. It shows that the Climate Change Act is a piece of legislation which has teeth, and can, if necessary, be enforced through our court system if the government does not comply with its legal duties.

"More than a decade ago, Friends of the Earth spearheaded the grassroots campaign that led to this vital piece of legislation. Today, we have strengthened its enforcement, which is so crucial to our country's ability to tackle the climate crisis."

**Sam Hunter Jones, senior lawyer at ClientEarth, said:**

"This decision is a breakthrough moment in the fight against climate delay and inaction. It forces the Government to put in place climate plans that will actually address the crisis.

"The court has emphasised that the risks to delivery of the UK's climate targets are "all- important" – the Government must now address those risks when it prepares a revised strategy that meets the requirements of the Climate Change Act.

"This is also an opportunity to move further and faster away from the expensive fossil fuels that are adding to the crippling cost of living crisis people are facing.

"The decision confirms that the government must show how its plans will deliver the carbon budget targets in full.

"Its approach must also be realistic and based on what it actually expects its plans to achieve. And the Government

account. This is a huge win for climate justice and accountability.”

**Jolyon Maugham, Director of Good Law Project, said:**

“The illegality of its flagship climate change strategy is a huge political embarrassment to the Government. The Net Zero target must be a road map to a sustainable future - not a lie we tell our children.

“We are thrilled to have worked alongside our friends at ClientEarth and Friends of the Earth to deliver this landmark victory.”

**Rowan Smith, solicitor at law firm Leigh Day, said:**

"The significance of this legal victory cannot be overstated. Through our client’s determined efforts, the Court has ruled that crucial legal provisions in the Climate Change Act have been breached. The Secretary of State must now fully comply with his legal duties, by properly assessing how likely it is that each of his policies will meet carbon targets, and reporting this to Parliament and the public in order to facilitate proper debate and scrutiny. This is a momentous achievement; both in upholding the rule of law, and also in terms of safeguarding the future of the planet."

ENDS

**Notes:**

\*Total annual emissions from cars in the UK totalled 79.6 million tonnes CO<sub>2</sub>e in 2019. Levels fell in 2020 due to the pandemic but are rising back to pre-Covid levels.

1. The full judgment is available on the [British and Irish Legal Information Institute website](#). Friends of the Earth has also produced a [detailed briefing on the case](#).
2. **Heat and Buildings Strategy:** Before the trial in June, the government conceded on another ground in Friends of the Earth’s case relating to its Heat and Buildings Strategy, which was released on the same day as the Net Zero Strategy and sets out how carbon emissions from homes and workplaces will be cut. The environmental campaign group argued that the government had acted unlawfully by not complying with the Equality Act and hadn’t considered its impact on people with protected characteristics, such as older people, disabled people and people of colour. The government is now carrying out an Equality Impact Assessment of the strategy. This is essential because research shows that issues like fuel poverty disproportionately impact certain groups. Friends of the Earth has been working with other organisations to ensure a considered Equality Impact Assessment is produced and will use this opportunity to seek improvements to the strategy itself.
3. Friends of the Earth is represented in these proceedings by David Wolfe QC of Matrix Chambers, Catherine Dobson of 39 Essex Chambers and Nina Pindham of No5 Barristers Chambers, and by Rowan Smith at the law firm Leigh Day LLP.
4. [Friends of the Earth](#) is an international community dedicated to the protection of the natural world and the wellbeing of everyone in it. We bring together more than two million people in 75 countries, combining people power all over the world to transform local actions into global impact. Follow us at @friends\_earth, or like our Facebook page.
5. [ClientEarth](#) is a non-profit organisation that uses the law to create systemic change that protects the Earth for – and with – its inhabitants. We are tackling climate change, protecting nature and stopping pollution, with partners and citizens around the globe. We hold industry and governments to account, and defend everyone’s right to a healthy world. From our offices in Europe, Asia and the USA we shape, implement and enforce the law, to build a future for our planet in which people and nature can thrive together. You can find out more about our legal challenge against the UK Government over its net zero strategy here: <https://www.clientearth.org/latest/latest-updates/news/clientearth-are-suing-the-uk-government-over-its-net-zero-strategy/>
6. [Good Law Project](#) is a not for profit that uses the law for a better world. We had a primary role in overturning the prorogation of Parliament in 2019 and more recently has been shining a spotlight on the Government’s awarding of lucrative Covid contracts to their friends and associates. You can find out more about our Net Zero legal challenge here: <https://goodlawproject.org/news/net-zero-climate-crisis/>

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