

# Circular Economy (Scotland) Bill

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## 3rd Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 9 to 20

Long Title

Amendments marked \* are new (including manuscript amendments) or have been altered.

### Section 9

#### Graham Simpson

24 In section 9, page 6, line 8, at end insert—

<( ) Where a deposit and return scheme (under the meaning of section 84(2)) or any other re-use scheme is in operation, this section does not apply to the area the relevant scheme applies to.>

#### Graham Simpson

25 In section 9, page 6, line 8, at end insert—

<( ) Items that are biodegradable are exempt from a charge under this section.>

#### Graham Simpson

26 In section 9, page 6, line 8, at end insert—

<( ) The regulations must in particular provide a list of items exempt from a charge under this section.>

#### Graham Simpson

27 In section 9, page 6, line 8, at end insert—

<( ) Regulations under this section must specify who is liable to pay the charge under subsection (1).>

#### Graham Simpson

29 In section 9, page 6, line 34, at end insert—

<( ) The Scottish Ministers may, for the purpose of or in connection with the exercise to charge for items specified in regulations made under subsection (1)—  
(a) pay grants,  
(b) make loans,

to small and micro businesses of such amounts as the Scottish Ministers may determine.

- ( ) In this section, “small and micro businesses” has the same meaning as in section 33 of Small Business, Enterprise and Employment Act 2015.”.>

**Graham Simpson**

28 In section 9, page 6, line 34, at end insert—

- <( ) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1) before the Scottish Parliament, the Scottish Minister must—
- (a) consult with the Secretary of State that the regulations comply with the United Kingdom Internal Market Act 2020, and
  - (b) alongside laying a draft, provide a statement to the Scottish Parliament that the Secretary of State is content the regulations comply with the United Kingdom Internal Market Act 2020.”.>

**Graham Simpson**

30 In section 9, page 6, line 34, at end insert—

- <(5) Regulations under this section must be made within one year of this section coming into force.
- (6) If the Scottish Ministers do not lay regulations in time as described under subsection (5), they must make a statement to the Scottish Parliament stating their reasons for not doing so.”.>

**Graham Simpson**

31 In section 9, page 6, line 34, at end insert—

- <(5) Regulations under this section must be made within two years of this section coming into force.
- (6) If the Scottish Ministers do not lay regulations in time as described under subsection (5), they must make a statement to the Scottish Parliament stating their reasons for not doing so.”.>

**Graham Simpson**

32 In section 9, page 6, line 34, at end insert—

- <( ) This section expires at the end of one year beginning with the day this section comes into force, unless regulations are made under subsection (1).”.>

**Graham Simpson**

33 In section 9, page 6, line 34, at end insert—

- <( ) This section expires at the end of two years beginning with the day this section comes into force, unless regulations are made under subsection (1).”.>

**Graham Simpson**

34 In section 9, page 7, line 8, at end insert—

<( ) After section 100(4), insert—

“(4A) Section 87A comes into force on the day after the Circular Economy (Scotland) Act 2024 receives Royal Assent.”.>

**Graham Simpson**

35 Leave out section 9

**After section 9**

**Murdo Fraser**

201 After section 9, insert—

*<Fly-tipping offences*

**Fixed penalty notices for fly-tipping offences**

- (1) The Environmental Protection Act 1990 is modified as follows.
- (2) In section 33A, in subsection (10)—
  - (a) the words from “substitute” to the end become paragraph (a),
  - (b) in paragraph (a), for “level 2” substitute “level 3”,
  - (c) after paragraph (a) insert—

“(b) substitute different amounts (not exceeding level 3 on the standard scale) in relation to different cases or descriptions of case.”.>

**Edward Mountain**

121 After section 9, insert—

*<Fly-tipping: civil penalties*

**Fly-tipping: civil penalties**

- (1) The Environmental Protection Act 1990 is modified as follows.
- (2) In section 33A (fixed penalty notices for contravention of section 33(1)(a) and (c): Scotland)—
  - (a) in subsection (9), for “£500” substitute “£1,000”,
  - (b) in subsection (10), for “exceeding level 2” substitute “below level 3”.>

**Murdo Fraser**

202 After section 9, insert—

*<Fly-tipping*

**Responsibility for removal of unlawfully deposited waste**

- (1) In the Environmental Protection Act 1990, section 59 (powers to require removal of waste unlawfully deposited) is repealed.

(2) Before section 60 of that Act insert—

**“59B Removal of unlawfully deposited waste: Scotland**

- (1) Where controlled waste is deposited in or on any private land in Scotland in contravention of section 33(1) of this Act, it is the responsibility of SEPA to—
  - (a) remove, or arrange for the removal of, the waste from the land,
  - (b) take steps with a view to eliminating or reducing the consequences of the deposit of the waste.
- (2) SEPA may recover any expenses reasonably incurred by it in exercising the responsibility under subsection (1) from—
  - (a) the person who deposited the waste in or on the land in contravention of section 33(1), or
  - (b) (if different), the owner or occupier of the land in or on which the waste is deposited, if the condition in subsection (3) is met.
- (3) The condition is that the owner or occupier knowingly caused or knowingly permitted the waste to be deposited in or on the land in contravention of section 33(1).
- (4) SEPA may not recover expenses under subsection (2) if a compensation order has been made under section 249 of the Criminal Procedure (Scotland) Act 1995 in favour of SEPA in respect of any part of those expenses.
- (5) Subsection (4) does not apply if the compensation order is set aside on appeal.
- (6) Any waste removed by SEPA under subsection (1) belongs to SEPA and may be dealt with accordingly.
- (7) Subsection (8) applies where—
  - (a) controlled waste is deposited in or on private land in Scotland in contravention of section 33(1),
  - (b) the owner or occupier of the land neither—
    - (i) deposited the waste in or on the land in contravention of section 33(1), nor
    - (ii) knowingly caused or knowingly permitted the waste to be so deposited in or on the land, and
  - (c) the owner or occupier of the land—
    - (i) removes, or arranges for the removal of, the waste from the land, or
    - (ii) takes steps with a view to eliminating or reducing the consequences of the deposit of the waste.
- (8) The owner or occupier of the land may recover from SEPA any expenses reasonably incurred by the owner or occupier in doing the things mentioned in subsection (7)(c).
- (9) In this section—

“private land” means any land other than land—

  - (a) which is owned or maintained by a public authority, and

(b) to which the public is entitled to have access (with or without payment),

“SEPA” means the Scottish Environment Protection Agency.”.>

**Murdo Fraser**

**203** After section 9, insert—

*<Information on fly-tipping offences*

**Information on fly-tipping offences**

- (1) The Environmental Protection Act 1990 is modified as follows.
- (2) After section 71 insert—

**“71A Information from authorities on unauthorised or harmful deposit, treatment or disposal etc. of waste: Scotland**

- (1) The Scottish Ministers may require a relevant authority to provide them with such information as Ministers may specify about—
  - (a) cases where the authority has exercised any of its functions under section 59, and
  - (b) cases where the authority has exercised any of its functions in respect of any contravention of section 33(1)(a) or (c).
- (2) In requiring information under subsection (1), the Scottish Ministers may specify—
  - (a) the period to which the information is to relate, and
  - (b) the date by which the relevant authority is to provide the information.
- (3) The information required by Ministers under subsection (1) may include, in particular—
  - (a) the number of contraventions of section 33(1)(a) or (c) reported to the relevant authority,
  - (b) the location of contraventions of section 33(1)(a) or (c) reported to the authority,
  - (c) what action (if any) has been taken by the authority in response to the reported contraventions,
  - (d) the number of fixed penalty notices issued by the authority under section 33A in response to the reported contraventions,
  - (e) the number of fixed penalties paid in response to such notices, and
  - (f) the number of reports made by the authority of offences under section 33(1)(a) or (c).
- (4) The Scottish Ministers may not exercise their power under subsection (1) in relation to a particular relevant authority more than once in any period of 12 months.
- (5) In this section, “relevant authority” means—
  - (a) in relation to functions under section 59, a waste collection authority,

- (b) in relation to functions in respect of contraventions of section 33(1)(a) or (c)—
  - (i) a local authority,
  - (ii) Loch Lomond and The Trossachs National Park Authority, or
  - (iii) a person specified by order made by the Scottish Ministers under section 33A(13).”>

**Murdo Fraser**

204 After section 9, insert—

*< Reporting on fly-tipping*

**Reporting on fly-tipping**

- (1) The Scottish Ministers must, for each reporting year—
  - (a) prepare a report containing the information mentioned in subsection (2),
  - (b) lay the report before the Scottish Parliament, and
  - (c) publish the report.
- (2) The information to be contained in the report is, for each local authority area—
  - (a) the number of incidences of fly-tipping, or alleged fly-tipping offences, reported to an authority mentioned in subsection (4) during the reporting year,
  - (b) the number of fixed penalty notices given under section 33A(1) of the 1990 Act during the reporting year for a fly-tipping offence,
  - (c) the number of fixed monetary penalties and variable monetary penalties imposed by the Scottish Environment Protection Agency under the Environmental Regulation (Enforcement Measures) (Scotland) Order 2015 (S.S.I. 2015/383) during the reporting year for a fly-tipping offence,
  - (d) the number of prosecutions brought during the reporting year for a fly-tipping offence,
  - (e) the number of convictions during the reporting year for a fly-tipping offence,
  - (f) the number and levels of fines imposed during the reporting year on conviction for a fly-tipping offence.
- (3) Each report must be laid before the Scottish Parliament and published as soon as practicable after the end of the reporting year to which it relates.
- (4) The authorities referred to in subsection (2)(a) are—
  - (a) a local authority,
  - (b) a constable of the Police Service of Scotland,
  - (c) the Scottish Environment Protection Agency,
  - (d) a National Park authority established by virtue of a designation order under section 6 of the National Parks (Scotland) Act 2000,
  - (e) a person specified in an order under paragraph (c) of the definition of “authorised person” in section 33A(13) of the 1990 Act,
  - (f) the Lord Advocate,
  - (g) a procurator fiscal.

- (5) A “reporting year” for the purposes of this section is—
- (a) the period of one year beginning 6 months after the day on which this section comes into force, and
  - (b) each subsequent period of one year.
- (6) In this section—
- “the 1990 Act” means the Environmental Protection Act 1990,
  - “fly-tipping” means contravention of section 33(1) of the 1990 Act,
  - “fly-tipping offence” means an offence under 33(6) of the 1990 Act.>

**Monica Lennon**

**157** After section 9, insert—

*<Free access to reusable diapers*

**Free access to reusable diapers**

- (1) Each health board in Scotland must, by 30 April 2026, provide free access to reusable diapers in any maternity facilities, alongside any existing provision for disposable diapers.
- (2) Free access may include—
  - (a) a packet of reusable diapers for a new born baby,
  - (b) guidance on how to use reusable diapers,
  - (c) information about venues that stock reusable and disposable diapers as well as venues which provide a lending service for reusable diapers within the local authority that the health board area covers.
- (3) The Scottish Ministers must, prior to 30 April 2026, prepare and publish guidance for health boards on the distribution of free reusable diapers to patients, including babies, children and adults outside of maternity facilities.>

**Monica Lennon**

**158** After section 9, insert—

*<Reporting on access to reusable diapers*

**Reporting on access to reusable diapers**

The Scottish Ministers must, as soon as practicable after 30 April 2027, prepare and publish a report setting out—

- (a) the progress in increasing access to and uptake of reusable diapers across Scotland generally and through any schemes or provisions under sections (*Free access to reusable diapers*) and (*Scheme for reusable diapers*),
- (b) any barriers to access to or uptake of reusable diapers across Scotland generally and with regards to any schemes or provisions under sections (*Free access to reusable diapers*) and (*Scheme for reusable diapers*).>

**Monica Lennon**

**159** After section 9, insert—

*<Schools to ensure refillable bottles obtainable free of charge by pupils*

**Schools to ensure refillable bottles obtainable free of charge by pupils**

- (1) Each school must ensure by 30 December 2026, that refillable bottles are obtainable free of charge to pupils.
- (2) The refillable bottles must be—
  - (a) made from sustainable materials,
  - (b) where possible and reasonable, sourced from Scotland.>

**Monica Lennon**

**216** After section 9, insert—

*<Scheme for donated mattresses*

**Scheme for donated mattresses**

- (1) Each local authority must, by 30 April 2026, make a scheme for their area to provide access to donated mattresses uplifted by the local authority to all persons who need a mattress.
- (2) A scheme may specify—
  - (a) the cost, if any, of an individual mattress under the scheme to a person in need of a mattress,
  - (b) the eligibility of persons living within the local authority area in need of a mattress from the scheme,
  - (c) the requirement for the local authority to prepare and publish guidance on how people can donate their mattress to the scheme,
  - (d) the requirement for the local authority to advertise the information about how a donated mattress is cleaned and prepared for use under the scheme.>

**Section 10**

**Jackie Dunbar**

**129** In section 10, page 7, line 21, at end insert—

<( ) after subsection (2) insert—

“(2ZA) For the purposes of subsection (2), an occupier of domestic property may request from an authorised person a copy of any documentation or identification that authorises the authorised person to transfer household waste.”>

**Maurice Golden**

**36** In section 10, page 7, line 25, at end insert—

<( ) Before discharging their duties under this section, a local authority must publish and promote information on fixed penalty notices for offences under section 34(6) in such a manner as they consider sufficient to ensure that it is brought to the attention of residents of the area or district to which the offences apply.>



**Maurice Golden**

37 In section 10, page 7, line 28, at end insert—

- <( ) This section does not apply if a person’s household waste is arranged for collection by an authorised person from shared receptacles for multiple designated households or the receptacles are located on a public street.>

**Maurice Golden**

38 In section 10, page 7, line 29, after <be> insert <—

- <(a) must meet with the person to determine whether they have a reasonable excuse for not complying with the duty relating to the transfer of household waste in section 34(2), and  
(b)>

**Jackie Dunbar**

130 In section 10, page 7, line 31, at end insert—

- <( ) It is a reasonable excuse for a person given a notice under subsection (2) to show a constable or an authorised officer any documentation or identification obtained from an authorised person to transfer household waste.>

**Sue Webber**

106 In section 10, page 8, line 37, at end insert—

- <( ) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (9), the Scottish Ministers must consult and seek the approval of the Convention of Scottish Local Authorities on the content of the draft Scottish statutory instrument.>

**Maurice Golden**

39 In section 10, page 9, line 17, at end insert—

- <( ) A local authority may, if a person has not paid the penalty payable under this section, recover the penalty payable from the Scottish Ministers.>

**Graham Simpson**

40 In section 10, page 9, line 35, at end insert—

- <(17) Regulations under this section must be made within one year of this section coming into force.  
(18) Where the Scottish Ministers do not lay regulations in time as described under subsection (17), they must make a statement to the Scottish Parliament stating their reasons for not doing so.”.>

**Graham Simpson**

41 In section 10, page 9, line 35, at end insert—

<(17) Regulations under this section must be made within two years of this section coming into force.

(18) Where the Scottish Ministers do not lay regulations in time as described under subsection (17), they must make a statement to the Scottish Parliament stating their reasons for not doing so.”.>

**Graham Simpson**

42 In section 10, page 9, line 35, at end insert—

<( ) This section expires at the end of one year beginning with the day this section comes into force, unless regulations are made under subsections (9) and (16).”.>

**Graham Simpson**

43 In section 10, page 9, line 35, at end insert—

<( ) This section expires at the end of two years beginning with the day this section comes into force, unless regulations are made under subsections (9) and (16).”.>

**Maurice Golden**

44 In section 10, page 9, line 35, at end insert—

**<34ZD Guidance**

- (1) The Scottish Ministers must issue guidance on the operation of section 34ZC.
- (2) A waste collection authority, and an authorised officer of a waste collection authority, must have regard to any guidance issued under subsection (1).
- (3) Section 34ZC may only come into force once the Scottish Ministers have issued guidance under this section.”.>

**Graham Simpson**

45 In section 10, page 9, line 35, at end insert—

<( ) In section 164, after subsection (4A), insert—

“(4B) Section 34ZC comes into force the day after the Circular Economy (Scotland) Act 2024 receives Royal Assent.”.>

**Section 11**

**Maurice Golden**

46 In section 11, page 10, line 10, at end insert—

<( ) This section does not apply if a person’s household waste is arranged for collection by an authorised person from shared receptacles for multiple designated households or the receptacles are located on a public street.>

**Sarah Boyack**

105 In section 11, page 10, line 10, at end insert—

- <( ) This section does not apply to any person living in a tenement within the meaning of section 26 of the Tenements (Scotland) Act 2004.>

**Sue Webber**

107 In section 11, page 13, line 5, at end insert—

- <( ) Before laying a draft of a Scottish statutory instrument containing regulations under this section, the Scottish Ministers must consult and seek the approval of the Convention of Scottish Local Authorities on the content of the draft Scottish statutory instrument.>

**Graham Simpson**

47 In section 11, page 13, line 5, at end insert—

- <(3) Regulations under this section must be made within one year of this section coming into force.
- (4) If the Scottish Ministers do not lay regulations in time as described under subsection (3), they must make a statement to the Scottish Parliament stating their reasons for not doing so.>

**Graham Simpson**

48 In section 11, page 13, line 5, at end insert—

- <(3) Regulations under this section must be made within two years of this section coming into force.
- (4) If the Scottish Ministers do not lay regulations in time as described under subsection (3), they must make a statement to the Scottish Parliament stating their reasons for not doing so.>

**Graham Simpson**

49 In section 11, page 13, line 5, at end insert—

- <( ) This section expires at the end of one year beginning with the day this section comes into force, unless regulations are made under subsection (1).>

**Graham Simpson**

50 In section 11, page 13, line 5, at end insert—

- <( ) This section expires at the end of two years beginning with the day this section comes into force, unless regulations are made under subsection (1).>

**Sue Webber**

108 In section 11, page 13, line 39, at end insert—

- <( ) Before laying a draft of a Scottish statutory instrument containing regulations under this section, the Scottish Ministers must consult and seek the approval of the Convention of Scottish Local Authorities on the content of the draft Scottish statutory instrument.>

**Graham Simpson**

51 In section 11, page 13, line 39, at end insert—

<(6A) Regulations under this section must be made within one year of this section coming into force.

(6B) If the Scottish Ministers do not lay regulations in time as described under subsection (6A), they must make a statement to the Scottish Parliament stating their reasons for not doing so.>

**Graham Simpson**

52 In section 11, page 13, line 39, at end insert—

<(6A) Regulations under this section must be made within two years of this section coming into force.

(6B) If the Scottish Ministers do not lay regulations in time as described under subsection (6A), they must make a statement to the Scottish Parliament stating their reasons for not doing so.>

**Graham Simpson**

53 In section 11, page 13, line 39, at end insert—

<( ) This section expires at the end of one year beginning with the day this section comes into force, unless regulations are made under subsection (6).>

**Graham Simpson**

54 In section 11, page 13, line 39, at end insert—

<( ) This section expires at the end of two years beginning with the day this section comes into force, unless regulations are made under subsection (6).>

**Maurice Golden**

55 In section 11, page 14, line 17, leave out <may> and insert <must>

**Jackie Dunbar**

160 In section 11, page 14, line 18, at end insert—

<( ) In preparing guidance under subsection (1), the Scottish Ministers must consult waste collection authorities.>

**Maurice Golden**

56 In section 11, page 14, line 20, at end insert—

<( ) Sections 46ZA to 46ZD may only come into force once the Scottish Ministers have issued guidance under this section.”>

**Maurice Golden**

57 In section 11, page 14, line 20, at end insert—

<( ) In section 46—

(a) after subsection (2), insert—

“(2A) The colour of the receptacles, or as the case may be, for each separate receptacle or compartments of receptacles must be the same for all waste collection authorities in Scotland, unless an exceptional case is made under subsection (4A).”;

(b) after subsection (4), insert—

“(4A) In making requirements as respects the colour of receptacles under subsection (2A) above, the authority may, by notice to the Scottish Ministers make an exception to the colour of a receptacle for exceptional cases.”.>

### **Edward Mountain**

**118** In section 11, page 14, line 20, at end insert—

<( ) In section 46, after subsection (2), insert—

“(2A) The colour of recycling receptacles, or as the case may be, for each separate recycling receptacle or compartments of receptacles must be the same for all waste collection authorities in Scotland, unless an exceptional case is made under subsection (4A).”.>

## **Section 12**

### **Maurice Golden**

**161** In section 12, page 14, line 33, after <collection> insert <, reuse, repair>

### **Douglas Lumsden**

**89** In section 12, page 14, line 33, at end insert—

<( ) The code may make different provision for different purposes or different local authority areas.>

### **Maurice Golden**

**162** In section 12, page 14, line 37, at end insert—

<( ) the items of household waste that are to be reused or repaired,>

### **Bob Doris**

**217\*** In section 12, page 15, line 4, at end insert—

<( ) access to and operation of any household bulk uplift service.>

### **Bob Doris**

**218\*** In section 12, page 15, line 4, at end insert—

<( ) access to and operation of any household garden waste service.>

**Maurice Golden**

58\* In section 12, page 15, line 4, at end insert—

<( ) The code of practice must be prepared and published by the end of the year 2025.>

**Maurice Golden**

59\* In section 12, page 15, line 4, at end insert—

<( ) The Scottish Ministers must ensure local authorities have sufficient funds and resources in carrying out their waste management functions under this section.>

**Sue Webber**

109 In section 12, page 15, line 7, after <must> insert <—

(a)>

**Sue Webber**

110 In section 12, page 15, line 9, leave out <and>

**Sue Webber**

111 In section 12, page 15, line 10, at end insert—

- <(iii) the Convention of Scottish Local Authorities, and
- (b) seek the approval of the Convention of Scottish Local Authorities on the code (whether the first or a revised version) made under this section.>

**Maurice Golden**

163 In section 12, page 15, line 10, at end insert—

<( ) the general public.>

**After section 12**

**Sarah Boyack**

205 After section 12, insert—

**<National targets relating to household waste recycling: Scotland**

- (1) The Environmental Protection Act 1990 is modified as follows.
- (2) After section 44B, insert—

**“44C National targets relating to household waste recycling: Scotland**

- (1) The Scottish Ministers must by regulations set a national target in relation to recycling of household waste and reuse of household items.
- (2) Regulations under subsection (1) may in particular—
  - (a) specify indicators to monitor the progress towards and achievement of local authority targets,

- (b) confer functions on SEPA to monitor the progress towards and achievement of targets,
  - (c) make provision requiring waste collection authorities to provide certain information and keep certain records,
  - (d) set timescales for targets.
- (3) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1), the Scottish Ministers must consult publicly, and in particular solicit the views of—
- (a) local authorities,
  - (b) SEPA,
  - (c) such persons as they consider appropriate.
- (4) Regulations under subsection (1) are subject to the affirmative procedure.”.>

### **Section 13**

**Maurice Golden**

**164** In section 13, page 15, line 35, leave out <may> and insert <must>

**Maurice Golden**

**60** In section 13, page 15, line 39, at end insert—

<( ) The Scottish Ministers must report on local authorities’ progress towards achieving the targets under this section every 12 months beginning with the day on which the targets are imposed under subsection (1).>

**Douglas Lumsden**

**90** In section 13, page 15, line 39, at end insert—

<( ) Regulations under subsection (1) must specify what funds or resources the Scottish Ministers will provide local authorities to carry out their duties under this section.>

**Lorna Slater**

**Supported by: Gillian Martin**

**165** In section 13, page 16, leave out lines 7 and 8

**Lorna Slater**

**Supported by: Gillian Martin**

**166** In section 13, page 16, leave out lines 15 and 16

**Maurice Golden**

**167** In section 13, page 16, line 16, at end insert—

<( ) specify how the targets under this section relate to the circular economy targets under section 6 of the Circular Economy (Scotland) Act 2024.>

**Sue Webber**

- 112 In section 13, page 16, line 18, leave out second <must> and insert <—  
(a)>

**Sue Webber**

- 113 In section 13, page 16, line 20, leave out <and>

**Sue Webber**

- 114 In section 13, page 16, line 21, at end insert—  
<(iii) the Convention of Scottish Local Authorities, and  
(b) seek the approval of the Convention of Scottish Local Authorities on the  
content of any draft Scottish statutory instrument made under this section.>

**Maurice Golden**

- 168 In section 13, page 16, line 21, at end insert—  
<( ) the general public.>

**Sarah Boyack**

- 206 In section 13, page 16, line 23, after <authorities,> insert <so long as the provisions do not contravene  
the national targets under section 44C,>

**Graham Simpson**

- 61 In section 13, page 16, line 26, at end insert—  
<(5A) Regulations under this section must be made within one year of this section coming  
into force.  
(5B) If the Scottish Ministers do not lay regulations in time as described under subsection  
(5A), they must make a statement to the Scottish Parliament stating their reasons for  
not doing so.>

**Graham Simpson**

- 62 In section 13, page 16, line 26, at end insert—  
<(5A) Regulations under this section must be made within two years of this section coming  
into force.  
(5B) If the Scottish Ministers do not lay regulations in time as described under subsection  
(5A), they must make a statement to the Scottish Parliament stating their reasons for  
not doing so.>

**Graham Simpson**

- 63 In section 13, page 16, line 26, at end insert—  
<( ) This section expires at the end of one year beginning with the day this section comes  
into force, unless regulations are made under subsection (1).>



**Graham Simpson**

64 In section 13, page 16, line 26, at end insert—

<( ) This section expires at the end of two years beginning with the day this section comes into force, unless regulations are made under subsection (1).>

**Douglas Lumsden**

91 In section 13, page 16, line 30, at end insert—

<( ) After section 61, insert—

**“61A Cancellation: Scotland**

Should a local authority be required to cancel a contract to meet any obligations set by the Scottish Ministers under sections 44ZZA, 46ZA, 46ZB, 46ZC, 46ZD, 46ZE and 47B above, then the Scottish Ministers must reimburse the local authority for the cost of cancellation.”>

**After section 13**

**Maurice Golden**

65 After section 13, insert—

**<Audit of receptacles for household waste**

- (1) The Environmental Protection Act 1990 is modified as follows.
- (2) After section 46ZE (as introduced by section 13), insert—

**“46ZF Audit of receptacles for household waste**

- (1) The Scottish Ministers must by regulations provide for a scheme for the auditing of receptacles for household waste under section 46.
- (2) The Scottish Ministers must provide sufficient funds and resources to any scheme under subsection (1).”>

**Maurice Golden**

66 After section 13, insert—

**<Guidance on assaults on waste disposal contractor**

- (1) The Environmental Protection Act 1990 is modified as follows.
- (2) After section 30, insert—

**“30A Guidance on assaults on waste disposal contractor**

- (1) The Scottish Ministers must issue guidance on how a waste collection authority is to handle an assault on an authorised officer of a waste collection authority.
- (2) A waste collection authority, and an authorised officer of a waste collection authority, must have regard to any guidance issued under subsection (1).”>

**Maurice Golden**

67 After section 13, insert—

**<Conditions for waste disposal contractor**

- (1) The Scottish Minister or a local authority (as the case may be) must obtain approval from relevant trade unions with regards to any conditions under subsection (2).
- (2) The conditions are—
  - (a) workplace safety,
  - (b) the duty of a waste disposal contractor in regards to identifying contamination in waste receptacles,
  - (c) working conditions in regards to contamination found in waste receptacles.>

**Section 14**

**Edward Mountain**

**119** In section 14, page 17, line 7, at end insert—

<( ) The civil penalty charge under subsection (1) is a minimum of £500.>

**Edward Mountain**

**120** In section 14, page 17, line 25, leave out <for> and insert <to increase>

**Sue Webber**

**115** In section 14, page 17, line 40, at end insert—

<( ) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (5), the Scottish Ministers must consult and seek the approval of the Convention of Scottish Local Authorities on the content of the draft Scottish statutory instrument.>

**Graham Simpson**

**68** In section 14, page 17, line 40, at end insert—

<(5A) Regulations under this section must be made within one year of this section coming into force.

(5B) If the Scottish Ministers do not lay regulations in time as described under subsection (5A), they must make a statement to the Scottish Parliament stating their reasons for not doing so.>

**Graham Simpson**

**69** In section 14, page 17, line 40, at end insert—

<(5A) Regulations under this section must be made within two years of this section coming into force.

(5B) If the Scottish Ministers do not lay regulations in time as described under subsection (5A), they must make a statement to the Scottish Parliament stating their reasons for not doing so.>

**Graham Simpson**

70 In section 14, page 17, line 40, at end insert—

- <( ) This section expires at the end of one year beginning with the day this section comes into force, unless regulations are made under subsection (5).>

**Graham Simpson**

71 In section 14, page 17, line 40, at end insert—

- <( ) This section expires at the end of two years beginning with the day this section comes into force, unless regulations are made under subsection (5).>

**After section 14**

**Graham Simpson**

72 After section 14, insert—

*<Public information on disposal of waste*

**Public information on disposal of waste**

- (1) The Scottish Ministers must establish a mobile app the purpose of which is to provide the general public with the means of—
  - (a) accessing information about disposing of household waste, and
  - (b) reporting any incident of unlawful disposal of waste.
- (2) The mobile app is to be available through app stores which the mobile app may be downloaded or otherwise accessed.>

**Section 15**

**Sue Webber**

116 In section 15, page 21, line 24, at end insert—

- <( ) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (2)(a), the Scottish Ministers must consult and seek the approval of the Convention of Scottish Local Authorities on the content of the draft Scottish statutory instrument.>

**Sue Webber**

117 In section 15, page 21, line 30, at end insert—

- <( ) Before laying a draft of a Scottish statutory instrument containing regulations under this section, the Scottish Ministers must consult and seek the approval of the Convention of Scottish Local Authorities on the content of the draft Scottish statutory instrument.>

**Graham Simpson**

73 In section 15, page 21, line 31, at end insert—

- <(4) Regulations under this section must be made within one year of this section coming into force.
- (5) If the Scottish Ministers do not lay regulations in time as described under subsection (4), they must make a statement to the Scottish Parliament stating their reasons for not doing so.”.>

**Graham Simpson**

74 In section 15, page 21, line 31, at end insert—

- <(4) Regulations under this section must be made within two years of this section coming into force.
- (5) If the Scottish Ministers do not lay regulations in time as described under subsection (4), they must make a statement to the Scottish Parliament stating their reasons for not doing so.”.>

**Graham Simpson**

75 In section 15, page 21, line 31, at end insert—

- <( ) This section expires at the end of one year beginning with the day this section comes into force, unless regulations are made under subsection (1).”.>

**Graham Simpson**

76 In section 15, page 21, line 31, at end insert—

- <( ) This section expires at the end of two years beginning with the day this section comes into force, unless regulations are made under subsection (1).”.>

**Graham Simpson**

77 In section 15, page 21, line 31, at end insert—

- <( ) In section 124, after subsection (9), insert—
- “(9A) Section 110D comes into force the day after the Circular Economy (Scotland) Act 2024 receives Royal Assent.”.>

**After section 16**

**Lorna Slater**

**Supported by: Gillian Martin**

169 After section 16, insert—

*<Offences relating to the use etc. of injurious articles or substances: fixed penalty notices*

**Offences relating to the use etc. of injurious articles or substances: fixed penalty notices**

- (1) The Environmental Protection Act 1990 is modified as follows.
- (2) In section 140, after subsection (10) insert—

“(10A) Regulations under this section may provide for an enforcement officer to give to a person whom the enforcement officer has reason to believe has committed

an offence under the regulations a notice offering the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty not exceeding level 3 on the standard scale.

(10B) In subsection (10A), an “enforcement officer” means a person referred to in subsection (3)(c).

(10C) Where provision under subsection (10A) is made in regulations under this section, the regulations may—

- (a) provide for the amount of the fixed penalty to be different in different cases or descriptions of case,
- (b) impose requirements on persons to whom a fixed notice is given to provide their name, address and date of birth,
- (c) create offences for failure to comply with requirements mentioned in paragraph (b), subject to a maximum penalty, on summary conviction, of a fine not exceeding level 3 on the standard scale,
- (d) enable enforcement officers to give certificates as to proof of payment or non-payment of a fixed penalty and for such certificates to be evidence of the facts stated in them.

(10D) Where provision under subsection (10A) is made in regulations under this section, the regulations must require a fixed penalty notice—

- (a) to set out the particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information about the offence,
- (b) to set out the amount of the fixed penalty,
- (c) if the amount of the fixed penalty may be discounted in certain circumstances, to set out those circumstances and the amount of the discount,
- (d) to set out the period within which the fixed penalty is to be paid, the person to whom it is to be paid and the arrangements for doing so,
- (e) to set out the effect of paying the fixed penalty within the payment period and the consequences of not paying the fixed penalty within that period.”.>

## **Monica Lennon**

**170** After section 16, insert—

### *<Scheme for reusable diapers*

#### **Scheme for reusable diapers**

- (1) Each local authority must, by 30 April 2026, make a scheme for their area to provide free access to reusable diapers for a child to all persons who need them living within the local authority’s area.
- (2) A scheme may specify—
  - (a) the number of reusable diapers that are available under the scheme,
  - (b) the provision of an individual or a packet of reusable diapers for trial purposes for any persons interested in using reusable diapers,

- (c) the requirement for local authorities to prepare and publish guidance on how to use reusable diapers,
- (d) the requirement for local authorities to advertise the location of charities or volunteer groups that stock free or discounted reusable and disposable diapers as well as any charities or volunteer groups which provide a lending service of reusable diapers.>

## **Section 17**

### **Monica Lennon**

**171** In section 17, page 22, line 36, at end insert—

<( ) In schedule 2 (particular purposes for which provision may be made under section 18: information, publicity and consultation), after paragraph 14(b)(iii) insert—

“(iv) on food items, including food waste and on the origins and destinations of food items and waste.”.>

### **Monica Lennon**

**172** In section 17, page 22, line 36, at end insert—

<( ) In schedule 2 (particular purposes for which provision may be made under section 18: information, publicity and consultation), after paragraph 14(b)(iii) insert—

“(iv) on recycling and the destinations of recycling.”.>

### **Monica Lennon**

**173** In section 17, page 22, line 36, at end insert—

<( ) In schedule 2 (particular purposes for which provision may be made under section 18: information, publicity and consultation), after paragraph 14(b)(iii) insert—

“(iv) on textiles and on the storage and disposal of textiles.”.>

## **After section 17**

### **Lorna Slater**

#### **Supported by: Gillian Martin**

**174** After section 17, insert—

*<Zero Waste Scotland: application of public bodies legislation*

#### **Zero Waste Scotland: application of public bodies legislation**

The schedule modifies other Acts so that their provisions apply to Zero Waste Scotland.>

### **Maurice Golden**

**207** After section 17, insert—

*<Waste reprocessing infrastructure report*

#### **Waste reprocessing infrastructure report**

- (1) The Scottish Ministers must prepare and publish a waste reprocessing infrastructure report.

- (2) A waste reprocessing infrastructure report is to set out the Scottish Ministers policies and proposals for the use and development of waste reprocessing infrastructure.
- (3) A waste reprocessing infrastructure report must—
  - (a) map out—
    - (i) current waste infrastructure,
    - (ii) planned waste infrastructure,
    - (iii) any proposed infrastructure by the Scottish Ministers or other relevant bodies,
  - (b) contain a strategy to—
    - (i) develop waste management data, for each waste management option used in Scotland,
    - (ii) reduce the proportion of recyclable materials in the residual waste stream,
    - (iii) strengthen local and community engagement and trust,
    - (iv) strengthen existing requirements for pre-treatment, in particular to remove as much recyclable material as feasible, with a particular focus on plastics,
    - (v) work in partnership with industry to deploy combined heat and power for as many existing incineration facilities,
  - (c) contain targets for resource and waste management,
  - (d) report on greenhouse gas emissions for each waste management option.
- (4) In preparing the waste reprocessing infrastructure report, the Scottish Ministers must have regard to any National Planning Framework published by them under the Town and Country Planning (Scotland) Act 1997.
- (5) The Scottish Ministers must lay a waste reprocessing infrastructure report before the Scottish Parliament.
- (6) The Scottish Ministers must prepare and publish the waste reprocessing infrastructure report before the expiry of one year beginning with the day after Royal Assent.>

## **Section 19**

### **Maurice Golden**

**175** In section 19, page 23, line 19, after <sections> insert <1,>

### **Maurice Golden**

**176** In section 19, page 23, line 19, after <sections> insert <2,>

### **Graham Simpson**

**78** In section 19, page 23, line 19, after <sections> insert <3,>

### **Maurice Golden**

**177** In section 19, page 23, line 19, after <sections> insert <4,>

**Maurice Golden**

178 In section 19, page 23, line 19, after <sections> insert <5,>

**Graham Simpson**

79 In section 19, page 23, line 19, after <sections> insert <6,>

**Maurice Golden**

179 In section 19, page 23, line 19, after <sections> insert <7,>

**At an appropriate place in the Bill**

**Lorna Slater**

**Supported by: Gillian Martin**

180 At an appropriate place in the Bill, insert—

<SCHEDULE

*(inserted by section (Zero Waste Scotland: application of public bodies legislation))*

ZERO WASTE SCOTLAND: APPLICATION OF PUBLIC BODIES LEGISLATION

*Ethical Standards in Public Life etc. (Scotland) Act 2000*

- 1 (1) The Ethical Standards in Public Life etc. (Scotland) Act 2000 is modified as follows.
- (2) In schedule 3 (devolved public bodies), after the entry relating to the Water Industry Commission for Scotland insert—  
“Zero Waste Scotland”.

*Freedom of Information (Scotland) Act 2002*

- 2 (1) The Freedom of Information (Scotland) Act 2002 is modified as follows.
- (2) In Part 7 of schedule 1 (other Scottish public authorities to which the Act applies), after paragraph 106 insert—  
“107 Zero Waste Scotland.”.

*Public Appointments and Public Bodies etc. (Scotland) Act 2003*

- 3 (1) The Public Appointments and Public Bodies etc. (Scotland) Act 2003 is modified as follows.
- (2) In schedule 2 (the specified authorities), under the heading of “Executive bodies”, after the entry relating to the Water Industry Commission for Scotland insert—  
“Zero Waste Scotland”.

*Public Services Reform (Scotland) Act 2010*

- 4 (1) The Public Services Reform (Scotland) Act 2010 is modified as follows.
- (2) In schedule 5 (improvement of public functions: listed bodies), under the heading of “Scottish public authorities with mixed functions or no reserved functions”, after the entry relating to the Water Industry Commission for Scotland insert—



“Zero Waste Scotland”.

- (3) In schedule 8 (information on exercise of public functions: listed public bodies), after the entry relating to the Water Industry Commission for Scotland insert—

“Zero Waste Scotland”.

*Public Records (Scotland) Act 2011*

- 5 (1) The Public Records (Scotland) Act 2011 is modified as follows.

- (2) In the schedule (authorities to which Part 1 of the Act applies), under the heading of “Others”, after the entry relating to the Water Industry Commission for Scotland insert—

“Zero Waste Scotland”.

*Procurement Reform (Scotland) Act 2014*

- 6 (1) The Procurement Reform (Scotland) Act 2014 is modified as follows.

- (2) In Part 3 of the schedule (other contracting authorities to which the Act applies), after paragraph 69 insert—

“70 Zero Waste Scotland”.

*Gender Representation on Public Boards (Scotland) Act 2018*

- 7 (1) The Gender Representation on Public Boards (Scotland) Act 2018 is modified as follows.

- (2) In schedule 1 (public authorities), after the entry relating to West Highland College UHI insert—

“Zero Waste Scotland (company number  
SC436030)”.

*Islands (Scotland) Act 2018*

- 8 (1) The Islands (Scotland) Act 2018 is modified as follows.

- (2) In the schedule (relevant authorities), under the heading of “Scottish public authorities with mixed or no reserved functions”, after paragraph 37 insert—

“38 Zero Waste (Scotland) (company number SC436030)”.>



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