

Circular Economy (Scotland) Bill

4th Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- list of any amendments already debated;
- the text of amendments to be debated on the day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Littering from vehicles: civil penalties

119, 120

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

169

Zero Waste Scotland: application of public bodies legislation

174, 180

Waste reprocessing infrastructure

207

Amendments already debated

Commencement and deadline for use of regulation-making powers under the Bill

With 5 - 68, 69, 70, 71, 73, 74, 75, 76, 77, 175, 176, 78, 177, 178, 79, 179

Notes on amendments in this group

The following amendments are direct alternatives: 68 and 69, 70 and 71, 73 and 74, 75 and 76

Reporting on waste

With 196 - 72, 171, 172, 173

Free provision of reusable items

With 157 - 170

Consultation with COSLA before preparing regulations under the Bill

With 106 - 115, 116, 117

THIS IS NOT THE MARSHALLED LIST

Amendments in debating order

Littering from vehicles: civil penalties

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>

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

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.

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(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.”.>

Zero Waste Scotland: application of public bodies legislation

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.>

Lorna Slater

Supported by: Gillian Martin

180 At an appropriate place in the Bill, insert—

<SCHEDULE

(introduced 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.”.

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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—

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

Waste reprocessing infrastructure

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.>

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