

Circular Economy (Scotland) Bill — Stage 2

Section 2

Maurice Golden

- 1 In section 2, page 2, line 12, after <must> insert<—
- (a) co-design all aspects of the circular economy strategy with such public sector, private sector and third sector bodies having functions or interest in relation to the circular economy as they consider appropriate,
 - (b)>

Section 3

Graham Simpson

- 2 In section 3, page 2, line 21, leave out <2 years> and insert <six months>

Graham Simpson

- 3 In section 3, page 2, line 21, leave out <2 years> and insert <1 year>

Section 6

Maurice Golden

- 4 In section 6, page 3, line 16, at end insert—
- <() Regulations made under this section must set the first targets for the year 2030 and these targets will be known as the “2030 targets”.>

Graham Simpson

- 5 In section 6, page 3, line 38, at end insert—
- <(6) Regulations under this section must be made within one year of this section coming into force.
 - (7) If the Scottish Ministers do not lay regulations in time as described under subsection (6), they must make a statement to the Scottish Parliament stating their reasons for not doing so.>

Graham Simpson

- 6 In section 6, page 3, line 38, at end insert—
- <(6) Regulations under this section must be made within two years of this section coming into force.
 - (7) If the Scottish Ministers do not lay regulations in time as described under subsection (6), they must make a statement to the Scottish Parliament stating their reasons for not doing so.>

Graham Simpson

7 In section 6, page 3, line 38, at end insert—

- <() This section and section 7 expire at the end of one year beginning with the day this section comes into force, unless regulations are made under subsection (1).>

Graham Simpson

8 In section 6, page 3, line 38, at end insert—

- <() This section and section 7 expire at the end of two years beginning with the day this section comes into force, unless regulations are made under subsection (1).>

Maurice Golden

9 Leave out section 6 and insert—

<Circular economy target: 2027

- (1) This section makes provision for the 2027 circular economy target.
- (2) The target is that by the year 2027, the overall economy in Scotland will be a least 5% circular.>

Maurice Golden

10 Leave out section 6 and insert—

<Circular economy target: 2030

- (1) This section makes provision for the 2030 circular economy target.
- (2) The target is that by the year 2030, the overall economy in Scotland will be at least 10% circular.>

Section 7

Maurice Golden

11 In section 7, page 4, line 6, leave out <Regulations under section 6(1)> and insert <The Scottish Ministers, by regulations,>

After section 7

Graham Simpson

12 After section 7, insert—

<Circular economy target: fine

- (1) The Scottish Parliament must, by approval of the Parliament, set a fine for the Scottish Ministers if the circular economy targets are missed.
- (2) The proceeds of such a fine will be distributed equally between local authorities and third sector organisations involved in the conservation, restoration or enhancement of the natural environment.>

Maurice Golden

13 After section 7, insert—

<Circular economy targets: review of Act if targets are not met

- (1) This section only comes into force once the Scottish Ministers have imposed targets under section 6.
- (2) If the circular economy targets are not met, the Scottish Ministers must—
 - (a) undertake a review of the circular economy targets,
 - (b) undertake a review of the operation of this Act, and
 - (c) prepare a report of that review.
- (3) The Scottish Ministers must, as soon as reasonably practicable after preparing the report—
 - (a) publish the report, and
 - (b) lay the report before the Scottish Parliament.>

Maurice Golden

14 After section 7, insert—

<Circular economy targets: review if the net-zero emissions target are not met

- (1) If the net-zero emissions target under section A1 of the Climate Change (Scotland) Act 2009 is not met, the Scottish Ministers must—
 - (a) undertake a review of the circular economy targets,
 - (b) undertake a review of the operation of this Act, and
 - (c) prepare a report of that review.
- (2) The Scottish Ministers must, as soon as reasonably practicable after preparing the report—
 - (a) publish the report, and
 - (b) lay the report before the Scottish Parliament.>

Maurice Golden

15 After section 7, insert—

<Household recycling target: 2025

- (1) This section makes provision for the 2025 household recycling target.
- (2) The target is that by the year 2025, the household recycling rate in Scotland will be at least 50%.>

Maurice Golden

16 After section 7, insert—

<Household recycling target: 2027

- (1) This section makes provision for the 2027 household recycling target.
- (2) The target is that by the year 2027, the household recycling rate in Scotland will be at least 60%.>

Maurice Golden

17 After section 7, insert—

<Household recycling target: 2030

- (1) This section makes provision for the 2030 household recycling target.
- (2) The target is that by the year 2030, the household recycling rate in Scotland will be at least 70%.>

Maurice Golden

18 After section 7, insert—

<Recycling target

- (1) This section makes provision for the 2025 recycling target.
- (2) The target is that by the year 2025, the recycling rate in Scotland will be at least 70%.>

Section 8

Graham Simpson

19 In section 8, page 5, line 26, 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

20 In section 8, page 5, line 26, 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

21 In section 8, page 5, 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

22 In section 8, page 5, 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).>

Graham Simpson

- 23 In section 8, page 5, line 32, at end insert—
<() In section 100(2), after “70” insert “78A”>

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 which 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

- 28 In section 9, page 6, line 31, 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

- 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 mirco businesses of such amounts as Scottish Ministers may determine.
- () In this section, “small and micro businesses” have the same meaning as section 33 of Small Business, Enterprise and Employment Act 2015.”

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 receives Royal Assent.”>

Graham Simpson

- 35** Leave out section 9

Section 10

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)>

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) If 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) If 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.>

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).>

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>

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 receptacles 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.”>

Section 12

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.>

Section 13

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).>

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).>

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

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

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.”>

Section 19

Graham Simpson

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

Graham Simpson

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