

Circular Economy (Scotland) Bill — Stage 3

Section 1

Monica Lennon

72 In section 1, page 1, line 25, at end insert—

<() due diligence in relation to environmental protection and human rights is exercised in supply chains.>

Bob Doris

73 In section 1, page 2, line 11, at end insert—

<() In preparing the circular economy strategy, the Scottish Ministers must have regard to the potential international impacts of their circular economy policies.>

Monica Lennon

74 In section 1, page 2, line 11, at end insert—

<() In preparing the circular economy strategy, the Scottish Ministers must have regard to—

- (a) encouraging equal opportunities (within the meaning of Section L2 of Part 2 of schedule 5 of the Scotland Act 1998), and
- (b) furthering the reduction of inequalities of outcome which result from socio-economic disadvantage.>

Section 2

Gillian Martin

75 In section 2, page 2, line 27, at end insert—

<() such persons as they consider may have an interest in the strategy, including public sector, private sector, charitable and international organisations,>

Gillian Martin

76 In section 2, page 2, line 28, after <such> insert <other>

Section 6

Monica Lennon

77 In section 6, page 4, line 4, at end insert—

<() due diligence in relation to environmental protection and human rights is exercised in supply chains.>

Gillian Martin

78 In section 6, page 4, line 18, at end insert—

<() such persons as they consider may have an interest in the targets, including public sector, private sector, charitable and international organisations,>

Gillian Martin

79 In section 6, page 4, line 19, after <such> insert <other>

After section 7

Mark Ruskell

80 After section 7, insert—

<Reporting requirements on those in receipt of public funds

Reporting requirements on those in receipt of public funds

- (1) All private companies, associations, corporations or persons in receipt of grants or loans from a Scottish public authority must, within the reporting period—
 - (a) prepare a report, and
 - (b) provide any Scottish public authority that is providing a grant or loan to the company (or, as the case may be, association, corporation or person) with a copy of that report, or
 - (c) include the information required under subsection (2) within any annual report published during that reporting period,unless exempt from doing so under subsection (3).
- (2) The report under subsection (1) must include—
 - (a) a review of the company's (or, as the case may be, association's, corporation's or person's) activities and the extent to which the activity relates to each element of the waste hierarchy,
 - (b) a statement as to how the company (or, as the case may be, association, corporation or person) plans to move activities under subsection (2)(a) further up the waste hierarchy, and as far as practicable, the dates by which they will do so,
 - (c) a statement of the progress that has been made under subsection (2)(b).
- (3) A Scottish public authority must provide for exemptions under subsection (1).
- (4) Exemptions under subsection (3) may include exemptions according to—
 - (a) the sector or sectors in which the private company, association, corporation or person in receipt of the grant or loan operates,
 - (b) the annual turnover of the private company, association, corporation or person in receipt of the grant or loan,
 - (c) the total value of the grant or loan.
- (5) The requirement to prepare and provide a report under subsection (1) may end at a point mutually agreed to by the company (or, as the case may be, association, corporation or person) and the Scottish public authority that is providing a grant or loan to the company (or, as the case may be, association, corporation or person) but must not be for a period shorter than the period for which any such grant or loan may be outstanding.

- (6) For the avoidance of doubt, this section includes all functions of—
- (a) Scottish Enterprise or Highland and Islands Enterprise under section 4 of the Enterprise and New Towns (Scotland) Act 1990,
 - (b) South of Scotland Enterprise under section 8 of the South Scotland Enterprise Act 2019.
- (7) Each of the following is a “reporting period”—
- (a) the period beginning with the day after the company (or, as the case may be, association, corporation or person) receives the grant or loan and ending 12 months later,
 - (b) each successive period of 12 months.
- (8) In this section—
- “Scottish public authority” has the same meaning as section 3(1)(a) of the Freedom of Information (Scotland) Act 2002,
- “waste hierarchy” has the same meaning as Schedule 4 of the Waste Management Licensing (Scotland) Regulations S.S.I 2011/228.>

Section 8

Sarah Boyack

- 81** In section 8, page 5, line 40, at end insert—
- <(2A) But “consumer goods” does not include food (within the meaning of Regulation (EC) No. 178/2002).>

Gillian Martin

- 82** In section 8, page 6, line 14, at end insert—
- <(aa) specify the particular types of unsold consumer goods to which the prohibitions or restrictions apply,>

Sarah Boyack

- 83** In section 8, page 6, line 39, at end insert—
- <(7A) The Scottish Ministers must, as soon as reasonably practicable after regulations under subsection (1) are made, publish guidance for the enforcement authority in relation to the functions conferred on it by the regulations.>

Sarah Boyack

- 84** In section 8, page 6, line 40, leave out from <given> to <regulations> in line 42 and insert <published under subsection (7A)>

After section 9A

Gillian Martin

- 85** After section 9A, insert—

<Removal of unlawfully deposited waste

- (1) In section 59 of the Environmental Protection Act 1990—
 - (a) after subsection (1) insert—
 - “(1A) A waste regulation authority or waste collection authority may only impose a requirement under subsection (1) on an occupier of land if the authority is satisfied that the occupier—
 - (a) deposited the waste, or
 - (b) knowingly caused or knowingly permitted the deposit of the waste.”,
 - (b) in subsection (2), for “the sheriff by way of summary application” substitute “the Scottish Ministers”,
 - (c) in subsection (3)—
 - (i) after “court” insert “or the Scottish Ministers (as the case may be)”,
 - (ii) after “is” insert “or they are”,
 - (d) in subsection (4)—
 - (i) after “court” insert “or the Scottish Ministers (as the case may be)”,
 - (ii) after “it” insert “or they”,
 - (e) after subsection (9) insert—
 - “(10) The Scottish Ministers may by regulations make further provision about appeals to them under subsection (2), including—
 - (a) provision about the manner in which appeals are to be brought,
 - (b) provision about the manner in which appeals are to be considered,
 - (c) transitional, transitory or saving provision.
 - (11) The Scottish Ministers may issue guidance for waste regulation authorities and waste collection authorities on the operation of this section.
 - (12) Waste regulation authorities and waste collection authorities must have regard to any guidance issued under subsection (11).
 - (13) This section is subject to section 114 of the Environment Act 1995 (delegating or referring of appeals etc).”.
- (2) In section 114(2) of the Environment Act 1995, in paragraph (a)(iii), after “22(5),” insert “59(2),”.>

Murdo Fraser

86 After section 9A, insert—

<Powers to require removal of waste unlawfully deposited

- (1) The Environmental Protection Act 1990 is modified as follows.
- (2) In section 59 (powers to require removal of waste unlawfully deposited), in subsection (1)—
 - (a) after “above,” insert “and the authority is satisfied that the occupier or owner of the land deposited, or knowingly caused or knowingly permitted the waste to be deposited, in contravention of section 33(1),”,

(b) after “occupier” insert “or owner”.>

Section 12

Bob Doris

- 87 In section 12, page 17, line 22, at end insert—
<() access to and operation of any household bulk uplift service.>

Bob Doris

- 88 In section 12, page 17, line 22, at end insert—
<() access to and operation of any household garden waste service.>

Maurice Golden

- 89 In section 12, page 17, line 23, after <Ministers> insert <must review the code every 3 years, beginning with the day of publication of the first code, and>

Maurice Golden

- 90 In section 12, page 17, line 24, after <version),> insert <or when reviewing the code,>

Section 13

Gillian Martin

- 91 In section 13, page 18, line 33, leave out second <must>

After section 17

Mark Ruskell

- 64A As an amendment to amendment 64, leave out lines 12 to 22

After section 17A

Gillian Martin

- 92 After section 17A, insert—

<Deposit and return schemes

Deposit and return schemes: power to direct scheme administrator

- (1) The Climate Change (Scotland) Act 2009 is modified as follows.
- (3) For section 85(4) substitute—
 - “(4) An order under subsection (1)(a) or (b) may include provision about the giving of directions by the Scottish Ministers to the scheme administrator about the exercise of the administrator’s functions in relation to the scheme.”.>