

Circular Economy (Scotland) Bill

Groupings of Amendments for Stage 3

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;
- the text of amendments to be debated on the day of Stage 3 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

Group 1: Purpose of circular economy

38

Group 2: Circular economy strategy

31, 93, 94, 39, 40, 41, 95, 42, 65, 72, 96, 97, 43, 98, 44, 44A, 45, 73, 74, 66, 33, 75, 76

Group 3: Duties on public bodies and those in receipt of public funds

99, 53, 80

1 hour 45 minutes

Group 4: Deadline for and expiry of regulation-making powers under the Bill

1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30

Group 5: Circular economy targets

46, 47, 48, 67, 77, 49, 100, 68, 78, 79

2 hours 30 minutes

Group 6: Recycling targets

50, 69, 52, 51, 70, 10, 36, 62, 104, 91

Group 7: Restrictions on the disposal of unsold consumer goods

81, 82, 34, 35, 83, 84

3 hours 35 minutes

Group 8: Single-use items and vaping products

101, 71

Group 9: Fly-tipping and removal of unlawfully deposited waste

54, 55, 85, 86

Group 10: Householders: duty of care, national recycling plan and receptacles for waste

11, 56, 57

5 hours

Group 11: Code of practice on household waste recycling

58, 102, 59, 103, 87, 88, 21, 37, 60, 61, 89, 90

Group 12: Littering from vehicles: civil penalties

63

Group 13: Reusable nappies

105

7 hours

Group 14: Waste reprocessing infrastructure

64, 64A

Group 15: Deposit and return schemes: power to direct scheme administrator

92

7 hours 30 minutes

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Amendments in debating order

Group 1: Purpose of circular economy

Maurice Golden

38 Before section 1, insert—

<Purpose of circular economy

Purpose of circular economy

For the purposes of this Act, a circular economy is an economic system where—

- (a) goods, products and materials are circulated in as high a value state for as long as possible in order to extract the maximum economic, social and environmental value from them,
- (b) processes for the production and distribution of goods, products and materials are designed so as to reduce the consumption of materials,
- (c) the delivery of services is designed so as to reduce the consumption of materials,
- (d) goods, products and materials are managed as locally as possible,
- (e) the prevention of harmful goods, products and materials is taken into account,
- (f) global just transition principles are embedded,
- (g) due diligence in supply chains is developed,
- (h) domestic just transition principles within the meaning of section 35 of the Climate Change (Scotland) Act 2009 are aligned with.>

Group 2: Circular economy strategy

Mark Ruskell

31 In section 1, page 1, line 12, at end insert—

<() must set out improvement plans for critical minerals for the Scottish energy sector,>

Sarah Boyack

93 In section 1, page 1, line 12, at end insert—

<() must set out how the practice of offshoring waste by exporting waste outside of Scotland, will be reduced,>

Monica Lennon

94 In section 1, page 1, line 12, at end insert—

<() must set out an estimate of the costs and benefits associated with any proposals and policies set out in the strategy,>

Maurice Golden

39 In section 1, page 1, line 14, at end insert—

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- <() The circular economy strategy must include a refillables promotion plan.
- () The refillables promotion plan must include—
- (a) which package categories will be subject to the plan, and by when, including—
 - (i) any quotas in relation to refillable packaging,
 - (ii) any requirements under the Environment Act 2021,
 - (b) delivery timelines,
 - (c) a list of prioritised packaging based on—
 - (i) carbon footprint,
 - (ii) use of virgin materials,
 - (iii) value when reused, refurbished or recycled,
 - (iv) potential contribution to a just transition,
 - (v) associated cost of recovery or disposal for local authorities,
 - (d) progress made since the previous plan.>

Mark Ruskell

- 40 In section 1, page 1, line 18, leave out <the consumption of materials> and insert <their consumption and their whole life-cycle carbon emissions>

Mark Ruskell

- 41 In section 1, page 1, line 19, leave out <of materials> and insert <and whole life-cycle carbon emissions of goods, products and materials>

Monica Lennon

- 95 In section 1, page 1, line 19, at end insert—
- <() reusable items are given priority over single-use items wherever possible,>

Mark Ruskell

- 42 In section 1, page 1, line 21, leave out <the consumption of materials and> and insert <their consumption, their whole life-cycle carbon emissions and their>

Maurice Golden

- 65 In section 1, page 1, line 25, at end insert—
- <() waste is managed in Scotland if it is appropriate to do so.>

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.>

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Sarah Boyack

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

- <() as far as possible, the use of virgin materials is reduced,
- () a transition to shifting product design, manufacture, use and recovery as far as possible up the waste hierarchy is supported, as defined in the Waste Management Licensing (Scotland) Regulations S.S.I. 2011/228,
- () goods, products and materials are managed domestically, as far as possible,
- () global just transition principles are embedded and due diligence in material supply chains is developed,
- () domestic just transition principles are aligned as set out in any Climate Change Plan prepared under section 35 of the Climate Change (Scotland) Act 2009.>

Monica Lennon

97 In section 1, page 2, line 6, after <2009> insert <, in particular—

- () how any proposals and policies set out in the strategy are expected to affect different sectors of the Scottish economy and different regions in Scotland, including how they are expected to affect employment in those sectors and regions, and
- () setting out any proposals and policies for supporting workforce, employers and communities in those sectors and regions.>

Mark Ruskell

43 In section 1, page 2, line 8, after <changes> insert <, and public education and skills,>

Maurice Golden

98 In section 1, page 2, line 9, at end insert—

- <() In preparing the circular economy strategy, the Scottish Ministers must have regard to the key sectors for achieving the circular economy including construction, steel, plastics and textiles.>

Mark Ruskell

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

- <() In preparing the circular economy strategy, the Scottish Ministers must have regard to the role that reuse, refill and take-back schemes have in contributing to the development of a circular economy.>

Maurice Golden

44A As an amendment to amendment 44, line 4, after <economy> insert <, and set out how any such schemes will prioritise products and packaging in relation to—

- () carbon footprint,
- () use of virgin materials,
- () value when reused, refurbished or recycled,

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- () potential contribution to a just transition,
- () associated cost of recovery or disposal for local authorities,
- () social and economic impacts.>

Clare Adamson

Supported by: Monica Lennon

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

- <() In preparing the circular economy strategy, the Scottish Ministers must have regard to the importance of consumer and workplace safety.>

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.>

Ben Macpherson

66 In section 1, page 2, line 14, at end insert <, with reference to the following criteria for identifying those sectors and systems—

- <() achieving the net-zero emissions target set out in section A1 of the Climate Change (Scotland) Act 2009,
- () reducing the consumption and whole life-cycle carbon emissions of goods, products and materials,
- () maximising the value of the circular economy in Scotland,
- () considering the wider environmental impact of particular sectors and systems.>

Mark Ruskell

33 In section 1, page 2, line 24, at end insert—

- <() In this section, “critical minerals” means any materials vital to the transition away from fossil fuels.>

Gillian Martin

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

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<() 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>

Group 3: Duties on public bodies and those in receipt of public funds

Maurice Golden

99 After section 5, insert—

<Duty to prepare circular economy plan

Duty to prepare circular economy plan

- (1) Each public body must—
 - (a) prepare a circular economy plan, and
 - (b) submit it to the Scottish Ministers for approval.
- (2) A circular economy plan is a plan which—
 - (a) sets out how the public body will—
 - (i) report on how its activities contribute to the delivery of a circular economy, as set out in section 1(3), in particular through procurement,
 - (ii) improve how its activities will contribute to the delivery of a circular economy,
 - (b) sets the date by which any improvements are intended to be carried out.
- (3) A public body, in preparing its circular economy plan, must have regard to—
 - (a) the best way to contribute to the delivery of the circular economy strategy,
 - (b) such matters as the Scottish Ministers may direct.
- (4) In this section, a “public body” has the same meaning within section 3(1)(a) of the Freedom of Information (Scotland) Act 2002.>

Maurice Golden

Supported by: Monica Lennon

53 After section 7, insert—

<Public body duties in relation to circular economy

Public body duties in relation to circular economy

- (1) Each public body must take reasonable steps to prevent human rights harm and ensure environmental due diligence with regard to the body’s operations, products, services (in particular procurement) throughout their value chain and those of their subsidiaries.
- (2) The Scottish Ministers must, by regulations and before 1 April 2025, make further provision for the purposes of subsection (1).

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- (3) Regulations under this section may make provision for—
 - (a) a definition of human rights and environmental due diligence so long as it is consistent with any definition or principles within—
 - (i) the Universal Declaration of Human Rights adopted by the United Nations General Assembly in 1948,
 - (ii) the International Covenant on Civil and Political Rights adopted by the United Nations General Assembly in 1966,
 - (iii) the International Covenant on Economic, Social and Cultural Rights adopted by the United Nations General Assembly in 1966,
 - (iv) the International Labour Organization’s Declaration on Fundamental Principles and Rights at Work adopted by the International Labour Conference in 1998,
 - (b) a public body to exclude, disbar or terminate a contract with any business that does not conduct adequate human rights and environmental due diligence,
 - (c) any reporting requirements,
 - (d) any funding requirements,
 - (e) the Scottish Ministers to prepare and publish guidance on best practice for human rights and environmental due diligence,
 - (f) the role of an advisory body.
- (4) Regulations under this section are subject to the affirmative procedure.>

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).

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- (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.>

Group 4: Deadline for an expiry of regulation-making powers under the Bill

Graham Simpson

- 1 In section 6, page 3, line 30, at beginning insert <Within three years of this section coming into force,>

Graham Simpson

- 2 In section 6, page 4, line 24, at end insert—

<() Where the Scottish Ministers do not make regulations under subsection (1) within the time period mentioned in that subsection, they must make a statement to the Scottish Parliament stating their reasons for not doing so.>

Graham Simpson

- 3 In section 6, page 4, line 24, at end insert—

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

Graham Simpson

4 In section 8, page 5, line 36, at beginning insert <Within three years of this section coming into force,>

Graham Simpson

5 In section 8, page 6, line 39, at end insert—

<(7A) Where the Scottish Ministers do not make regulations under subsection (1) within the time period mentioned in that subsection, they must make a statement to the Scottish Parliament stating their reasons for not doing so.>

Graham Simpson

6 In section 8, page 6, line 42, at end insert—

<(9) This section expires at the end of the period of three years beginning with the day on which this section comes into force, unless regulations are made under subsection (1).”.>

Graham Simpson

7 In section 9, page 7, line 13, at beginning insert <Within three years of this section coming into force,>

Graham Simpson

8 In section 9, page 8, line 4, at end insert—

<(5) Where the Scottish Ministers do not make regulations under subsection (1) within the time period mentioned in that subsection, they must make a statement to the Scottish Parliament stating their reasons for not doing so.”.>

Graham Simpson

9 In section 9, page 8, line 4, at end insert—

<(6) This section expires at the end of the period of three years beginning with the day on which this section comes into force, unless regulations are made under subsection (1).”.>

Graham Simpson

12 In section 10, page 11, line 12, at beginning insert <Within three years of this section coming into force,>

Graham Simpson

13 In section 10, page 12, line 12, at end insert—

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<(17) Where the Scottish Ministers do not make regulations under subsection (1) within the time period mentioned in that subsection, they must make a statement to the Scottish Parliament stating their reasons for not doing so.”.>

Graham Simpson

14 In section 10, page 12, line 12, at end insert—

<(18) This section expires at the end of the period of three years beginning with the day on which this section comes into force, unless regulations are made under subsections (9) and (16).”.>

Graham Simpson

15 In section 11, page 14, line 36, at beginning insert <Within three years of this section coming into force,>

Graham Simpson

16 In section 11, page 15, line 21, at end insert—

<(3) Where the Scottish Ministers do not make regulations under subsection (1) within the time period mentioned in that subsection, they must make a statement to the Scottish Parliament stating their reasons for not doing so.>

Graham Simpson

17 In section 11, page 15, line 21, at end insert—

<(4) This section expires at the end of the period of three years beginning with the day on which this section comes into force, unless regulations are made under subsection (1).>

Graham Simpson

18 In section 11, page 16, line 12, at beginning insert <Within three years of this section coming into force,>

Graham Simpson

19 In section 11, page 16, line 15, at end insert—

<(6A) Where the Scottish Ministers do not make regulations under subsection (6) within the time period mentioned in that subsection, they must make a statement to the Scottish Parliament stating their reasons for not doing so.>

Graham Simpson

20 In section 11, page 16, line 15, at end insert—

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

THIS IS NOT THE MARSHALLED LIST

Graham Simpson

- 22 In section 13, page 18, line 15, at beginning insert <Within three years of this section coming into force,>

Graham Simpson

- 23 In section 13, page 19, line 2, at end insert—
<(5A) Where the Scottish Ministers do not make regulations under subsection (1) within the time period mentioned in that subsection, they must make a statement to the Scottish Parliament stating their reasons for not doing so.>

Graham Simpson

- 24 In section 13, page 19, line 2, at end insert—
<(5B) This section expires at the end of the period of three years beginning with the day on which this section comes into force, unless regulations are made under subsection (1).>

Graham Simpson

- 25 In section 14, page 19, line 38, at beginning insert <Within three years of this section coming into force,>

Graham Simpson

- 26 In section 14, page 20, line 15, at end insert—
<(5A) Where the Scottish Ministers do not make regulations under subsection (5) within the time period mentioned in that subsection, they must make a statement to the Scottish Parliament stating their reasons for not doing so.>

Graham Simpson

- 27 In section 14, page 20, line 15, at end insert—
<(5B) This section expires at the end of the period of three years beginning with the day on which this section comes into force, unless regulations are made under subsection (5).>

Graham Simpson

- 28 In section 15, page 23, line 36, at beginning insert <Within three years of this section coming into force,>

Graham Simpson

- 29 In section 15, page 23, line 40, at end insert—
<(4) Where the Scottish Ministers do not make regulations under subsection (1) within the time period mentioned in that subsection, they must make a statement to the Scottish Parliament stating their reasons for not doing so.”.>

THIS IS NOT THE MARSHALLED LIST

Graham Simpson

30 In section 15, page 23, line 40, at end insert—

<(5) This section expires at the end of the period of three years beginning with the day on which this section comes into force, unless regulations are made under subsection (1).”.>

Group 5: Circular economy targets

Mark Ruskell

46 In section 6, page 3, line 35, leave out <the consumption of materials> and insert <their consumption and their whole life-cycle carbon emissions>

Mark Ruskell

47 In section 6, page 3, line 36, leave out <of materials> and insert <and whole life-cycle carbon emissions of goods, products and materials>

Mark Ruskell

48 In section 6, page 3, line 38, leave out <the consumption of materials and> and insert <their consumption, their whole life-cycle carbon emissions and their>

Maurice Golden

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

<() waste is managed in Scotland if it is appropriate to do so.>

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.>

Maurice Golden

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

<() Regulations under subsection (1) must include an overall target in relation to developing a circular economy.>

Sarah Boyack

100 In section 6, page 4, line 7, after <reducing> insert <carbon emissions associated with>

Ben Macpherson

68 In section 6, page 4, line 13, leave out <under> and insert <most likely to contribute to developing a circular economy, with reference to the criteria for identifying those sectors and systems set out in>

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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>

Group 6: Recycling targets

Maurice Golden

50 After section 7, insert—

<Recycling targets

Recycling target

- (1) This section makes provision for the 2026 recycling target.
- (2) The target is that by the year 2026, the recycling rate in Scotland will be at least 70%.>

Maurice Golden

69 After section 7, insert—

<Recycling targets

Recycling targets: 2030

- (1) This section makes provision for the 2030 recycling target.
- (2) The target is that by the year 2030, the recycling rate in Scotland will be at least 75%.>

Maurice Golden

52 After section 7, insert—

<Household recycling targets

Household recycling target: 2026

- (1) This section makes provision for the 2026 household recycling target.
- (2) The target is that by the year 2026, the household recycling rate in Scotland will be at least 50%.>

Maurice Golden

51 After section 7, insert—

<Household recycling targets

Household recycling target: 2028

- (1) This section makes provision for the 2028 household recycling target.

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- (2) The target is that by the year 2028, the household recycling rate in Scotland will be at least 60%.>

Maurice Golden

- 70 After section 7, insert—

<Household recycling targets

Household recycling targets: 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 70%.>

Graham Simpson

- 10 Before section 10, insert—

<Targets for household waste recycling

- (1) The Environmental Protection Act 1990 is amended as follows.
- (2) Before section 44ZA insert—

“44ZZB Targets for household waste recycling

- (1) The Scottish Ministers must set national recycling targets for household waste recycling.
- (2) The Scottish Ministers must in particular set targets for each core material set in section 44ZZA(2)(c), including beverage cartons.”.>

Graham Simpson

Supported by: Monica Lennon

- 36 Before section 10, insert—

<Targets for household waste recycling

- (1) The Environmental Protection Act 1990 is modified as follows.
- (2) Before section 44ZA insert—

“44ZZB Targets for household waste recycling

- (1) The Scottish Ministers must set national recycling targets for household waste recycling.
- (2) The Scottish Ministers must in particular set targets for each core material set in section 44ZZA(2)(c).”.>

Maurice Golden

- 62 In section 13, page 18, line 19, at end insert—

<(2A) The Scottish Ministers must report annually on the progress of the circular economy, and their progress on reaching targets.>

Monica Lennon

- 104 In section 13, page 18, line 23, at end insert—

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<(ba) make further provision for the promotion of reuse to assist local authorities to achieve their targets,>

Gillian Martin

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

Group 7: Restrictions on the disposal of unsold consumer goods

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,>

Graham Simpson

34 In section 8, page 6, line 20, at end insert—

<(ca) include provision to prioritise the re-use, rather than recycling of unsold goods, in line with the waste hierarchy,>

Graham Simpson

Supported by: Monica Lennon

35 In section 8, page 6, line 20, at end insert—

<(cb) include provision to maximise the social benefit of unsold goods within any existing network of community re-use organisations in Scotland,>

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)>

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Group 8: Single-use items and vaping products

Sarah Boyack

101 In section 9, page 8, line 1, at end insert—

<(3A) The regulations may not provide for charges where the item is made from polylactic acid (PLA) or crystallised polylactic acid (CPLA).>

Gillian Mackay

71 After section 9, insert—

<Single-use vaping products

Single-use vaping products

- (1) The Climate Change (Scotland) Act 2009 is modified as follows.
- (2) After section 87, insert—

“Single-use vaping products

87ZA Single-use vaping products

- (1) The Scottish Ministers may, by regulations, establish a take-back scheme for single-use vaping products.
- (2) Retailers may be required under the scheme to accept the return to them of used single-use vapes.
- (3) Producers may be required under the scheme to—
 - (a) accept the return to them of used single-use vapes, and
 - (b) recycle or reuse them.
- (4) The Scottish Ministers may, by regulations, introduce an offence on the sale or purchase of single-use vaping products.
- (5) Regulations under subsections (1) and (4) are subject to the affirmative procedure.”.>

Group 9: Fly-tipping and removal of unlawfully deposited waste

Edward Mountain

54 In section 9A, page 8, line 22, leave out <3> and insert <5>

Edward Mountain

55 In section 9A, page 8, line 24, leave out <3> and insert <5>

Gillian Martin

85 After section 9A, insert—

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<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),”,

THIS IS NOT THE MARSHALLED LIST

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

Group 10: Householders: duty of care, national recycling plan and receptacles for waste

Edward Mountain

- 11 In section 10, page 10, line 2, at end insert—

<() after subsection (2) insert—

“(2ZA) It shall be the duty of any person authorised to transfer household waste, to display any waste management licence number issued by the Scottish Environment Protection Agency on the vehicle used to collect and dispose of the household waste.”>

Edward Mountain

- 56 In section 11, page 16, line 39, at end insert—

<46ZF Household waste recycling plan

- (1) The Scottish Ministers must in conjunction with COSLA, prepare a household waste recycling plan.
- (2) A plan under subsection (1) must provide for the colour of different recycling receptacles across waste collection authorities in Scotland to be standardised, where possible.
- (3) A plan under subsection (1) must be published within one year of the day of Royal Assent.
- (4) The colour of recycling receptacles must be standardised, where possible, within ten years of a plan being published.
- (5) If any waste collection authorities have been unable to standardise the colour of waste recycling receptacles after ten years, the Scottish Ministers must make a statement to the Scottish Parliament outlining the reasons why that is the case.”>

Maurice Golden

- 57 In section 11, page 16, line 39, at end insert—

<() In section 46—

- (a) after subsection (2), insert—

“(2A) The type 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 type of receptacles under subsection (2A) above, the authority may by notice to the Scottish Ministers make an exception to the type of a receptacle for exceptional cases.”>

THIS IS NOT THE MARSHALLED LIST

Group 11: Code of practice on household waste recycling

Maurice Golden

- 58 In section 12, page 17, line 12, after <collection> insert <, reuse, repair>

Monica Lennon

- 102 In section 12, page 17, line 14, at end insert—
<(1B) The code must promote any reusable schemes operated by a local authority.>

Maurice Golden

- 59 In section 12, page 17, line 18, at end insert—
<(ca) the items of household waste that are to be reused or repaired,>

Monica Lennon

- 103 In section 12, page 17, line 18, at end insert—
<(cb) the items of household waste that are single-use that can be replaced by reusable items,>

Bob Doris

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

Bob Doris

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

Graham Simpson

- 21 In section 12, page 17, line 22, at end insert—
<(2A) For the purposes of subsection (2)(c), the code must make provision about—
(a) a core set of materials to be collected from each Scottish household, including in particular cartons,
(b) the sorting of a core set of materials into separate streams for recycling, including in particular a stream dedicated to beverage cartons.>

Graham Simpson

- 37 In section 12, page 17, line 22, at end insert—
<(2B) For the purposes of subsection (2)(c), the code must make provision about—
(a) a core set of materials to be collected from each Scottish household,
(b) the sorting of a core set of materials into separate streams for recycling.>

THIS IS NOT THE MARSHALLED LIST

Maurice Golden

60 In section 12, page 17, line 22, at end insert—

<(2C) The Scottish Ministers must ensure local authorities have sufficient funds and resources in carrying out their waste management functions under this section.>

Maurice Golden

61 In section 12, page 17, line 22, at end insert—

<(2D) The code of practice must be prepared and published by March 2026.>

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,>

Group 12: Littering from vehicles: civil penalties

Edward Mountain

63 In section 14, page 19, line 21, at end insert—

<(1A) The civil penalty charge under subsection (1) is a minimum of £250.>

Group 13: Reusable nappies

Monica Lennon

105 After section 16, insert—

<Scheme for reusable nappies

Scheme for reusable nappies

- (1) Each local authority must, by 30 April 2026, make a scheme for their area to provide free access to reusable nappies 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 nappies that are available under the scheme,
 - (b) the provision of an individual or a packet of reusable nappies for trial purposes for any persons interested in using reusable nappies,
 - (c) the requirement for local authorities to prepare and publish guidance on how to use reusable nappies,
 - (d) the requirement for local authorities to advertise the location of charities or volunteer groups that stock free or discounted reusable and disposable nappies as well as any charities or volunteer groups which provide a lending service of reusable nappies.>

THIS IS NOT THE MARSHALLED LIST

Group 14: Waste reprocessing infrastructure

Maurice Golden

64 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.
- 5 (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—
 - 10 (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—
 - 15 (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,
 - 20 (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.
- 25 (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.>

Mark Ruskell

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

Group 15: Deposit and return schemes: power to direct scheme administrator

Gillian Martin

92 After section 17A, insert—

THIS IS NOT THE MARSHALLED LIST

<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.”.>

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