

Circular Economy (Scotland) Act 2024

2024 asp 13

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 26th June 2024 and received Royal Assent on 8th August 2024

An Act of the Scottish Parliament to require the Scottish Ministers to prepare and publish a circular economy strategy; to make provision about circular economy targets; to make provision about the reduction, recycling and management of waste; and for connected purposes.

Circular economy strategy

1 Circular economy strategy

(1) The Scottish Ministers must prepare a circular economy strategy.

(2) The circular economy strategy—

(a) must set out the Scottish Ministers' objectives relating to developing a circular economy,

(b) must set out the Scottish Ministers' plans for meeting those objectives (including priorities for action),

(c) must set out arrangements for monitoring progress towards meeting the objectives,

(d) may set out any other matters relating to developing a circular economy that the Scottish Ministers consider should be included.

(3) In preparing the circular economy strategy, the Scottish Ministers must have regard to the desirability of the economy being one in which—

(a) processes for the production and distribution of goods, products and materials are designed so as to reduce their consumption and their whole life-cycle carbon emissions,

(b) the delivery of services is designed so as to reduce the consumption and whole life-cycle carbon emissions of goods, products and materials,

(c) goods, products and materials are kept in use for as long as possible to reduce their consumption, their whole life-cycle carbon emissions and their impacts on the environment,

(d) the maximum value is extracted from goods, products and materials by the persons using them,

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Changes to legislation: *There are currently no known outstanding effects for the Circular Economy (Scotland) Act 2024. (See end of Document for details)*

(e) goods, products and materials are recovered or, where appropriate, regenerated at the end of their useful life,

(f) waste is managed in Scotland if it is appropriate to do so,

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

(4) In preparing the circular economy strategy, the Scottish Ministers must have regard to the following waste hierarchy—

(a) waste prevention,

(b) preparing for re-use,

(c) recycling,

(d) other recovery, including energy recovery,

(e) disposal.

(5) In preparing the circular economy strategy, the Scottish Ministers must have regard to the just transition principles set out in section 35C of the Climate Change (Scotland) Act 2009.

(6) In preparing the circular economy strategy, the Scottish Ministers must have regard to the desirability of encouraging the kinds of behavioural changes, and public education and skills, which would be required to meet the objectives set out in the strategy.

(7) In preparing the circular economy strategy, the Scottish Ministers must have regard to the circular economy targets imposed by regulations made under section 6.

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

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

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

(11) 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.

(12) In considering priorities for action under subsection (2)(b), the Scottish Ministers must have particular regard to sectors and systems most likely to contribute to developing a circular economy, with reference to the following criteria for identifying those sectors and systems—

(a) achieving the net-zero emissions target set out in section A1 of the Climate Change (Scotland) Act 2009,

(b) reducing the consumption and whole life-cycle carbon emissions of goods, products and materials,

(c) maximising the value of the circular economy in Scotland,

(d) considering the wider environmental impact of particular sectors and systems.

(13) The circular economy strategy must be prepared with a view to achieving consistency, so far as practicable, between the objectives and plans set out in the strategy and—

(a) the climate change plan prepared under section 35 of the Climate Change (Scotland) Act 2009,

(b) the environmental policy strategy prepared under section 47 of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021, and

(c) any other strategy or plan which the Scottish Ministers consider to be relevant.

(14) The Scottish Ministers must have regard to the circular economy strategy in making policies (including proposals for legislation).

(15) In subsection (14), making policies includes developing, adopting and revising policies.

Commencement Information

I1 S. 1 not in force at Royal Assent, see **s. 27**

I2 S. 1 in force at 1.8.2025 by S.S.I. 2025/170, reg. 2, **sch.**

2 Consultation on strategy

In preparing the circular economy strategy, the Scottish Ministers must publish a draft strategy and consult—

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

(b) such other persons as they consider appropriate, and

(c) the general public.

Commencement Information

I3 S. 2 not in force at Royal Assent, see **s. 27**

I4 S. 2 in force at 1.8.2025 by S.S.I. 2025/170, reg. 2, **sch.**

3 Publication and laying of strategy

(1) The Scottish Ministers must—

(a) publish the circular economy strategy in such manner as they consider appropriate, and

(b) lay a copy of the strategy before the Scottish Parliament.

(2) Subsection (1) must be complied with before the end of the period of 2 years beginning with the day on which this section comes into force.

(3) As soon as practicable after complying with subsection (1), the Scottish Ministers must—

(a) publish a report setting out—

(i) the consultation process undertaken in order to comply with section 2, and

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(ii) the ways in which, in preparing the circular economy strategy, the Scottish Ministers have taken account of views expressed in the course of that process, and

(b) lay a copy of the report before the Scottish Parliament.

Commencement Information

I5 S. 3 not in force at Royal Assent, see **s. 27**

I6 S. 3 in force at 1.8.2025 by S.S.I. 2025/170, reg. 2, **sch.**

4 Review of strategy

(1) The Scottish Ministers—

(a) must keep the circular economy strategy under review, and

(b) may revise it as they consider appropriate.

(2) If the Scottish Ministers have not revised and republished the circular economy strategy within the period of 5 years beginning with the day on which the circular economy strategy was last published, they must revise the strategy.

(3) Sections 1(2) to (13), 2 and 3(1) and (3) apply in relation to revising the circular economy strategy as they apply in relation to preparing the first circular economy strategy.

Commencement Information

I7 S. 4 not in force at Royal Assent, see **s. 27**

I8 S. 4 in force at 1.8.2025 by S.S.I. 2025/170, reg. 2, **sch.**

5 Reporting on strategy

(1) The Scottish Ministers must, as soon as practicable after the end of each reporting period, prepare a report setting out—

(a) progress made in the reporting period in respect of the objectives and plans included in the circular economy strategy,

(b) where any objectives have not been met, the measures the Scottish Ministers propose to meet those objectives,

(c) steps taken in the reporting period to keep the circular economy strategy under review.

(2) The Scottish Ministers must—

(a) publish the report in such manner as they consider appropriate, and

(b) lay a copy of the report before the Scottish Parliament.

(3) In this section, "reporting period" means the period of 30 months beginning with the day on which the circular economy strategy was last published.

Commencement Information

I9 S. 5 not in force at Royal Assent, see **s. 27**

I10 S. 5 in force at 1.8.2025 by S.S.I. 2025/170, reg. 2, **sch.**

Circular economy targets

6 Circular economy targets

(1) The Scottish Ministers must by regulations make provision imposing targets on the Scottish Ministers relating to developing a circular economy.

(2) In considering the imposition of targets under subsection (1), the Scottish Ministers must have regard to the desirability of the economy being one in which—

(a) processes for the production and distribution of goods, products and materials are designed so as to reduce their consumption and their whole life-cycle carbon emissions,

(b) the delivery of services is designed so as to reduce the consumption and whole life-cycle carbon emissions of goods, products and materials,

(c) goods, products and materials are kept in use for as long as possible to reduce their consumption, their whole life-cycle carbon emissions and their impacts on the environment,

(d) the maximum value is extracted from goods, products and materials by the persons using them,

(e) goods, products and materials are recovered or, where appropriate, regenerated at the end of their useful life,

(f) waste is managed in Scotland if it is appropriate to do so,

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

(3) Regulations under subsection (1) may in particular—

(a) provide for targets in relation to one or more of the following—

(i) reducing carbon emissions associated with the consumption of materials,

(ii) increasing re-use,

(iii) increasing refurbishment,

(iv) increasing repair,

(v) increasing recycling,

(vi) reducing waste,

(b) prioritise sectors and systems most likely to contribute to developing a circular economy, with reference to the criteria for identifying those sectors and systems set out in section 1(12),

(c) provide for targets to be reviewed.

(4) Regulations under subsection (1) are subject to the affirmative procedure (but see section 8 in relation to the first regulations).

(5) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1) before the Scottish Parliament, the Scottish Ministers must consult—

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

(b) such other persons as they consider appropriate, and

(c) the general public.

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(6) Regulations under subsection (1) may—

(a) make different provision for different purposes or areas,

(b) make incidental, supplementary, consequential, transitional, transitory or saving provision.

Commencement Information

I11 S. 6 not in force at Royal Assent, see **s. 27**

I12 S. 6 in force at 1.8.2025 by S.S.I. 2025/170, reg. 2, **sch.**

7 Circular economy targets: monitoring and reporting

(1) Regulations under section 6(1) must set out arrangements for—

(a) monitoring progress towards achieving targets, and

(b) reporting on progress towards achieving targets.

(2) Provision under subsection (1)(b) must require that each report sets out—

(a) progress the Scottish Ministers have made towards achieving targets in the period covered by the report, and

(b) any action the Scottish Ministers are taking to achieve targets.

(3) Provision under subsection (1)(b) must require that—

(a) the report is published in such manner as the Scottish Ministers consider appropriate, and

(b) a copy of the report is laid before the Scottish Parliament.

Commencement Information

I13 S. 7 not in force at Royal Assent, see **s. 27**

I14 S. 7 in force at 1.8.2025 by S.S.I. 2025/170, reg. 2, **sch.**

8 Circular economy targets: pre-laying procedure for first regulations

(1) This section applies where the Scottish Ministers propose to lay before the Scottish Parliament a draft of a statutory instrument containing the first regulations under section 6(1).

(2) The Scottish Ministers must, before doing so, lay before the Parliament—

(a) a copy of the proposed regulations, and

(b) a statement setting out their reasons for proposing to make those regulations.

(3) The Scottish Ministers must, when laying such a copy, specify a period (the "representation period") during which representations on the proposed regulations may be made to them.

(4) The representation period must be at least 90 days, of which no fewer than 30 must be days on which the Parliament is not dissolved or in recess.

(5) The Scottish Ministers must, as soon as reasonably practicable after laying a copy of the proposed regulations, publicise them in such manner as they consider appropriate.

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(6) The Scottish Ministers must, before laying the proposed regulations before the Parliament, have regard to—

(a) any representations on the proposed regulations made to them,

(b) any resolution relating to those regulations passed by the Parliament, and

(c) any report relating to those regulations published by any committee of the Parliament for the time being appointed by virtue of standing orders,

before the expiry of the representation period.

(7) The Scottish Ministers must, when laying such proposed regulations, lay a statement setting out—

(a) details of any representations, resolutions or reports mentioned in subsection (6), and

(b) the changes (if any) they have made to the proposed regulations in response to such representations, resolutions or reports and the reasons for those changes.

(8) In this section, "proposed regulations" means a draft of a statutory instrument to which subsection (1) applies.

Commencement Information

I15 S. 8 not in force at Royal Assent, see **s. 27**

I16 S. 8 in force at 1.8.2025 by S.S.I. 2025/170, reg. 2, **sch.**

Restrictions on the disposal of unsold consumer goods

9 Restrictions on the disposal of unsold consumer goods

(1) The Climate Change (Scotland) Act 2009 is modified as follows.

(2) After section 78 insert—

"Restrictions on the disposal of unsold consumer goods

78A Restrictions on the disposal of unsold consumer goods

(1) The Scottish Ministers may, by regulations, make provision prohibiting or restricting the disposal of unsold consumer goods if they consider it appropriate to do so for the purpose of reducing waste.

(2) In subsection (1), "consumer goods" means goods intended to be purchased, used or consumed by a consumer.

(3) But "consumer goods" does not include food (within the meaning of Regulation (EC) No. 178/2002).

(4) Consumer goods are "unsold" if they have not been sold to, or have been returned by, a consumer.

(5) In this section, "consumer" means—

(a) an individual—

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(i) who purchases, uses or receives goods or services which are supplied in the course of a business carried on by the person supplying them, and

(ii) who is not purchasing, using or receiving the goods or services wholly or mainly in the course of a business carried on by the individual, or

(b) a business (including a business carried on by an individual) which purchases, uses or receives goods or services which are supplied in the course of a business carried on by the person supplying them.

(6) Regulations under subsection (1) may in particular—

(a) specify the particular types of unsold consumer goods to which the prohibitions or restrictions apply,

(b) include provision about the persons to whom the prohibitions or restrictions apply,

(c) include provision about the meaning of "disposal" for the purposes of the regulations,

(d) include further provision about the meaning of "unsold" for the purposes of the regulations,

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

(f) provide for exemptions from the prohibitions or restrictions,

(g) subject to section 89, include provision about—

(i) the enforcement authority in relation to the regulations, and

(ii) the functions of that authority,

(h) include other provision about enforcement of the regulations.

(7) Provision about enforcement under subsection (6)(h) may in particular include provision—

(a) enabling functions of the enforcement authority to be carried out on its behalf by persons authorised in accordance with the regulations,

(b) about the keeping of records and their production to the enforcement authority,

(c) about offences in relation to failures to comply with requirements in the regulations,

(d) for the giving of notices by or on behalf of the enforcement authority offering a person the opportunity of discharging any liability to conviction for an offence under the regulations by payment of a fixed penalty.

(8) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1) before the Scottish Parliament, the Scottish Ministers must consult such persons as they consider appropriate.

(9) 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.

(10) The enforcement authority must have regard to any guidance published under subsection (9).".

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Commencement Information

I17 S. 9 not in force at Royal Assent, see **s. 27**

I18 S. 9 in force at 1.8.2025 by S.S.I. 2025/170, reg. 2, **sch.**

Charges for single-use items

10 Power to require imposition of charges for single-use items

(1) The Climate Change (Scotland) Act 2009 is modified as follows.

(2) In section 83(4), for "In this section and in section 84," substitute "For the purpose of this section and any regulations made under it,".

(3) In section 84, after subsection (7) insert—

"(8) For the purpose of this section and any regulations made under it, "packaging" has the meaning given by Article 3 of Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste.".

(4) After section 87 insert—

"Chargeable items

87A Charges for supply of single-use items

(1) The Scottish Ministers may, by regulations, require suppliers of goods—

(a) to charge for items specified in the regulations,

(b) to apply the net proceeds raised by such charges to the advancement of environmental protection or improvement or to any other purposes that may be reasonably regarded as analogous.

(2) The regulations may in particular include provision about—

(a) the circumstances in which the requirement applies,

(b) the suppliers to whom the requirement applies,

(c) the minimum amount to be charged for an item specified in the regulations,

(d) how the net proceeds raised by the charge are to be ascertained,

(e) the particular purposes to which those net proceeds are to be applied,

(f) subject to section 89—

(i) the enforcement authority in relation to the regulations, and

(ii) the functions of that authority,

(g) the keeping of records and their production to the enforcement authority,

(h) the enforcement of the requirements imposed by the regulations,

(i) offences in relation to failures to comply with the requirements imposed by the regulations.

(3) The regulations may only specify items which are—

(a) manufactured,

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(b) provided—

(i) as a container or packaging for goods, or

(ii) to be used in connection with the consumption or use of goods, and

(c) likely to be used for that purpose only—

(i) once, or

(ii) for a short period.

(4) The enforcement authority must have regard to any guidance given by the Scottish Ministers to it in relation to the functions conferred on it by the regulations.".

(5) The italic heading immediately preceding section 88 is omitted.

(6) The italic heading immediately preceding section 88A is omitted.

(7) In section 88A—

(a) in subsection (2), after "section" insert "87A or",

(b) the title of the section becomes "Offences relating to supply of chargeable items: fixed penalty notices".

(8) In section 97(1)—

(a) the word "or" immediately following paragraph (a) is repealed,

(b) after paragraph (b) insert—

"(c) regulations under section 87A which specify (or modify the description of) items that suppliers of goods are required to charge for.".

(9) In section 98, the definition of "packaging" is repealed.

Commencement Information

I19 S. 10 not in force at Royal Assent, see **s. 27**

I20 S. 10 in force at 1.4.2025 by S.S.I. 2025/10, **reg. 3(a)**

Fly-tipping offences and removal of waste

11 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.".

Commencement Information

I21 S. 11 not in force at Royal Assent, see **s. 27**

I22 S. 11 in force at 1.4.2025 by S.S.I. 2025/10, **reg. 3(b)**

12 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),".

Commencement Information

I23 S. 12 not in force at Royal Assent, see **s. 27**

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Changes to legislation: *There are currently no known outstanding effects for the Circular Economy (Scotland) Act 2024. (See end of Document for details)*

I24 S. 12 in force at 1.8.2025 for specified purposes by S.S.I. 2025/170, reg. 2, **sch.**

Information on fly-tipping offences

13 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).".

Commencement Information

I25 S. 13 not in force at Royal Assent, see **s. 27**

I26 S. 13 in force at 1.4.2025 by S.S.I. 2025/10, **reg. 3(c)**

Household waste

14 Householder's duty of care

(1) The Environmental Protection Act 1990 is modified as follows.

(2) In section 34—

(a) in subsection (1), for "subsection (2)" substitute "subsections (1A) and (2)",

(b) after subsection (1) insert—

"(1A) The duty imposed by subsection (1) does not apply to an occupier of domestic property as respects the household waste produced on the property.",

(c) for subsection (2) substitute—

"(2) An occupier of domestic property must, as respects the household waste produced on the property, take reasonable steps to secure that any transfer of waste is only to an authorised person or to a person for authorised transport purposes.",

(d) in subsection (6), after "(1)," insert "(2),",

(e) in subsection (7), after "(1)," insert "(2),".

(3) After section 34ZB insert—

"**34ZC Fixed penalty notices for offences under section 34(6): Scotland**

(1) This section applies where a constable or an authorised officer has reason to believe that a person has failed without reasonable excuse to comply with the duty relating to the transfer of household waste in section 34(2).

(2) The constable or authorised officer (as the case may be) may give to the person a notice offering the opportunity of discharging any liability to conviction for an offence under section 34(6) by payment of a fixed penalty.

(3) A notice under subsection (2) may not be given if, in relation to the same circumstances—

(a) such a notice has already been given to the person (including by the same or by another local authority), or

(b) a penalty or enforcement undertaking has already been imposed on the person by the Scottish Environment Protection Agency by virtue of Part 2 of the Regulatory Reform (Scotland) Act 2014.

(4) Where a constable gives a notice to a person under subsection (2), the constable must at the same time give a copy of the notice to the local authority in whose area the failure to comply with the duty in section 34(2) took place.

(5) Where—

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(a) an authorised officer gives a notice to a person under subsection (2), and

(b) it appears to the officer that the failure to comply with the duty in section 34(2) took place both in the officer's area and in another local authority's area,

the officer must at the same time give the other local authority a copy of the notice.

(6) Where a person is given a notice under subsection (2) in respect of an offence—

(a) no proceedings may be instituted for that offence before the end of the period of 14 days beginning with the date of the notice, and

(b) the person may not be convicted of the offence if the fixed penalty is paid before the end of that period.

(7) A notice under this section must—

(a) state the particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence,

(b) state the period during which, by virtue of subsection (6)(a), proceedings will not be instituted for the offence under section 34(6),

(c) state the amount of the fixed penalty,

(d) explain that the notice contains an offer to discharge liability to conviction for the offence by payment of a fixed penalty and that the person is not required to accept that offer,

(e) state the person to whom the fixed penalty may be paid, and the address and website for doing so,

(f) explain that, by virtue of subsection (3), an authorised officer may not give a person a notice under this section if such a notice has already been given to the person in respect of the same offence, and

(g) state which other authorities have been sent a copy of the notice in accordance with subsections (4) and (5).

(8) The fixed penalty payable under this section is £200.

(9) The Scottish Ministers may by regulations substitute a different amount (not exceeding level 2 on the standard scale) for the amount for the time being specified as the amount of the fixed penalty in subsection (8).

(10) A constable or an authorised officer may require an occupier of domestic property to give the occupier's name, address and date of birth, if the constable or officer proposes to give the occupier a fixed penalty notice under this section.

(11) A person commits an offence if the person—

(a) fails to give a name, address or date of birth when required to do so under subsection (10), or

(b) gives a false or inaccurate name, address or date of birth in response to a requirement under that subsection.

(12) A person who commits an offence under subsection (11) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(13) In any proceedings a certificate which—

(a) purports to be signed on the person having responsibility for the financial affairs of the authority to which the fixed penalty is to be paid, and

(b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,

is evidence of the facts stated.

(14) A fixed penalty payable in pursuance of a notice under this section is to be paid—

(a) in a case where the notice is given by a constable or by an authorised officer of a local authority, to the local authority in whose area the offence was committed,

(b) in a case where the notice is given by an officer of Loch Lomond and The Trossachs National Park Authority, to that Authority.

(15) In this section—

"authorised officer" means—

(a) an officer of a local authority who is authorised in writing by the authority for the purpose of issuing notices under this section in relation to an offence under section 34(6) committed in the area of the authority,

(b) an officer of Loch Lomond and The Trossachs National Park Authority who is authorised in writing by the Authority for the purpose of issuing notices under this section in relation to an offence under section 34(6) committed in the area designated as the National Park for which the Authority is established,

"local authority" means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.

(16) The Scottish Ministers may by regulations—

(a) add another category of persons to the definition of "authorised officer" in subsection (15), and

(b) modify this section as they consider appropriate in connection with making provision under paragraph (a).".

Commencement Information

I27 S. 14 not in force at Royal Assent, see **s. 27**

I28 S. 14 in force at 1.8.2025 for specified purposes by S.S.I. 2025/170, reg. 2, **sch.**

15 Household waste requirements

(1) The Environmental Protection Act 1990 is modified as follows.

(2) Before section 46A insert—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Circular Economy (Scotland) Act 2024. (See end of Document for details)*

"**46ZA Enforcement of household waste requirements: Scotland**

(1) An authorised officer of a waste collection authority may give a written warning to a person if satisfied on the balance of probabilities that—

(a) the person has failed without reasonable excuse to comply with a requirement imposed by the authority under section 46(1), (3)(c) or (d) or (4) (a "section 46 requirement"), and

(b) the person's failure to comply—

(i) has caused, or is or was likely to cause, a nuisance, or

(ii) has been, or is or was likely to be, detrimental to any amenities of the locality.

(2) A written warning under subsection (1)—

(a) must—

(i) identify the section 46 requirement with which the person has failed to comply,

(ii) explain the nature of the failure to comply,

(iii) explain how the failure to comply has had, or is or was likely to have, the effect described in subsection (1)(b),

(iv) if the failure to comply is continuing, specify the period within which the requirement must be complied with and explain the consequences of the requirement not being complied with within that period, and

(v) whether or not the failure to comply is continuing, explain the consequences of the person subsequently failing to comply with the same or a similar section 46 requirement, and

(b) may contain such other provision as the waste collection authority considers appropriate.

(3) An authorised officer of a waste collection authority may require a person to whom a written warning under subsection (1) has been given to pay a civil penalty charge to the authority, if satisfied on the balance of probabilities that the person continued to fail to comply with the section 46 requirement identified in the warning after the end of the period for compliance specified in the warning.

(4) An authorised officer of a waste collection authority may require a person who has already been required to pay a civil penalty charge under subsection (3) to pay a further civil penalty charge to the authority, if satisfied on the balance of probabilities that the person's original failure to comply still continues during the period of 12 months beginning with the day on which the written warning was given.

(5) But a further civil penalty charge may not be required under subsection (4) where there is an appeal pending against the decision to require a charge under subsection (3).

(6) An authorised officer of a waste collection authority may require a person to whom a written warning under subsection (1) has been given to pay a civil penalty charge to the authority, if satisfied on the balance of probabilities that,

before the end of the period of 12 months beginning with the day on which the warning was given—

(a) the person—

(i) has again failed without reasonable excuse to comply with the section 46 requirement identified in the warning, or

(ii) has failed without reasonable excuse to comply with a section 46 requirement that is similar to the one identified in the warning, and

(b) the person's failure to comply—

(i) has caused, or is or was likely to cause, a nuisance, or

(ii) has been, or is or was likely to be, detrimental to any amenities of the locality.

(7) An authorised officer may require a person to pay a civil penalty charge under subsection (4) or (6) each time that the authorised officer is satisfied on the balance of probabilities of the matters mentioned in the subsection.

(8) An authorised officer may not give a person a written warning under subsection (1) where, in relation to the same circumstances—

(a) the person has already been given a notice under section 46ZD(2), or

(b) proceedings have already been instituted against the person for an alleged offence under section 46(6).

(9) An authorised officer imposing a requirement to pay a civil penalty charge under subsection (3), (4) or (6) must act in accordance with section 46ZB.

(10) A civil penalty charge under this section is recoverable in like manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff for any sheriffdom.

(11) In this section and sections 46ZB to 46ZD—

an "authorised officer" means an employee of a waste collection authority who is authorised in writing by the authority for the purpose of giving written warnings and requiring payment of civil penalty charges under this section,

a "civil penalty charge" means a monetary penalty of an amount specified in regulations under section 46ZC.

46ZB Civil penalty charges under section 46ZA: prior notices of intent and final notices

(1) Before requiring a person to pay a civil penalty charge under section 46ZA, an authorised officer must serve on the person notice of intention to do so (a "notice of intent").

(2) A notice of intent must contain information about—

(a) the grounds for requiring payment of a civil penalty charge,

(b) the amount of the civil penalty charge, and

(c) the person's entitlement to make representations under subsection (3).

(3) A person on whom a notice of intent is served may, within a period specified in regulations under section 46ZC, make representations to the authorised officer as to why payment of a civil penalty charge should not be required.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Circular Economy (Scotland) Act 2024. (See end of Document for details)*

(4) In order to require a person to pay a civil penalty charge under section 46ZA, an authorised officer must serve on the person a further notice (the "final notice") in accordance with subsections (5) to (7).

(5) A final notice may not be served on a person by an authorised officer before the end of the period of 28 days beginning with the day service of the notice of intent on the person was effected.

(6) Before serving a final notice on a person, an authorised officer must consider any representations made by the person under subsection (3).

(7) A final notice must contain information about—

(a) the grounds for requiring payment of a civil penalty charge,

(b) the amount of the civil penalty charge,

(c) how payment may be made,

(d) the period within which payment is required to be made,

(e) the right to appeal by virtue of section 46ZC(1)(i), and

(f) the consequences of not paying the civil penalty charge.

46ZC Civil penalty charges under section 46ZA: procedure and amount

(1) The Scottish Ministers may by regulations make provision about—

(a) the amount of the civil penalty charge that a person may be required to pay to a waste collection authority under section 46ZA,

(b) discounts and surcharges relating to civil penalty charges under section 46ZA,

(c) the procedure to be followed by an authorised officer in requiring payment of a civil penalty charge under section 46ZA,

(d) the form and content of—

(i) a notice of a civil penalty charge under section 46ZA,

(ii) a notice of intent and a final notice under section 46ZB,

(e) the period within which representations in response to a notice of intent under section 46ZB may be given, and the form in which they may be given,

(f) the matters to be considered by the authority in relation to such representations,

(g) the period for payment of a civil penalty charge under section 46ZA(3), (4) and (6),

(h) the circumstances in which the requirement of a civil penalty charge under section 46ZA may be withdrawn by a waste collection authority,

(i) the appeal procedure in relation to the requirement of a civil penalty charge under section 46ZA.

(2) Regulations under subsection (1) may—

(a) make incidental, supplementary, consequential, transitional, transitory or saving provision,

(b) make different provision for different purposes or for different waste collection authority areas.

46ZD Fixed penalty notices for offences under section 46

(1) This section applies where an authorised officer of a waste collection authority has reason to believe that a person has committed an offence under section 46(6) requirement in the area of that authority.

(2) The authorised officer may give the person a notice offering the person the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the waste collection authority.

(3) Where a person is given a notice under subsection (2) in respect of an offence—

(a) no proceedings may be instituted for that offence before the end of the period of 14 days beginning with the date of the notice, and

(b) the person may not be convicted of that offence if the person pays the fixed penalty before the end of that period.

(4) Where a person has already been given a final notice under section 46ZB, and any subsequent civil penalty charge has been paid in full—

(a) no notice may be given to the person under subsection (2) of this section in relation to the same circumstances,

(b) no proceedings may be instituted under section 46(6) against the person in relation to the same circumstances.

(5) A notice under subsection (2) must—

(a) state the particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence,

(b) state the period during which, by virtue of subsection (3), proceedings will not be instituted for the offence,

(c) state the amount of the fixed penalty,

(d) explain that the notice contains an offer to discharge liability to conviction for the offence by payment of a fixed penalty and the person is not required to accept that offer, and

(e) state the person to whom the fixed penalty may be paid, and the address and website for doing so.

(6) The Scottish Ministers may by regulations specify—

(a) the amount of the fixed penalty payable under this section (not exceeding level 2 on the standard scale),

(b) the form of a notice under subsection (2).

(7) An authorised officer of a waste collection authority may require an occupier of domestic property to give the occupier's name, address and date of birth, if the officer proposes to give the occupier a fixed penalty notice under this section.

(8) A person commits an offence if the person—

(a) fails to give a name, address or date of birth when required to do so under subsection (7), or

(b) gives a false or inaccurate name, address or date of birth in response to a requirement under that subsection.

(9) A person who commits an offence under subsection (8) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(10) In any proceedings a certificate which—

(a) purports to be signed on behalf of the person having responsibility for the financial affairs of the waste collection authority, and

(b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,

is evidence of the facts stated.

46ZE Guidance

(1) The Scottish Ministers must issue guidance on the operation of sections 46ZA to 46ZD.

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

(3) A waste collection authority, and an authorised officer of a waste collection authority, must have regard to any guidance issued under subsection (1).".

(3) In section 160A, after the entry relating to section 45AA(10) insert—

"46ZC(1) (civil penalty charges under section 46ZA: procedure and amount)	any regulations under that subsection.".

Commencement Information

I29 S. 15 not in force at Royal Assent, see **s. 27**

I30 S. 15 in force at 1.8.2025 for specified purposes by S.S.I. 2025/170, reg. 2, **sch.**

PROSPECTIVE

16 Code of practice on household waste recycling

(1) The Environmental Protection Act 1990 is modified as follows.

(2) Before section 44ZA insert—

"**44ZZA Code of practice on household waste recycling**

(1) The Scottish Ministers must prepare and publish a code of practice setting out the—

(a) standards expected of, and

(b) steps to be taken by,

local authorities in carrying out their waste management functions in so far as they relate to the collection and recycling of household waste.

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

(3) The code may in particular make provision about—

(a) the receptacles to be used for household waste collection,

(b) the frequency of household waste collection,

(c) the items of household waste that are to be recycled or composted,

(d) managing the contamination of household waste that is capable of being recycled or composted,

(e) communicating with the public about the collection and recycling of household waste,

(f) access to and operation of any household bulk uplift service,

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

(4) The Scottish Ministers may from time to time revise the code.

(5) In preparing the code (whether the first version or a revised version), the Scottish Ministers must consult publicly, and in particular solicit the views of—

(a) local authorities, and

(b) the Scottish Environment Protection Agency.

(6) The Scottish Ministers may not complete their preparation of a version of the code until after the end of the period of 40 days beginning with the day that a draft of that version of the code is laid before the Scottish Parliament.

(7) In calculating the period of 40 days mentioned in subsection (6), no account is to be taken of any time during which the Parliament is—

(a) dissolved, or

(b) in recess for more than 4 days.

(8) In this section—

"local authority" and "waste management functions" have the meanings given in section 44ZA,

"recycling" includes composting and preparing for re-use.".

(3) In section 44ZA(2)—

(a) in paragraph (a), after "contained in" insert "the",

(b) the word "and" immediately following paragraph (a) is repealed,

(c) after paragraph (a) insert—

"(aa) sets out how the local authority intends to carry out those functions, in so far as they relate to the collection and recycling of household waste, consistently with the last published code of practice under section 44ZZA, and",

(d) in paragraph (b), for "those" substitute "the authority's waste management".

Commencement Information

I31 S. 16 not in force at Royal Assent, see **s. 27**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Circular Economy (Scotland) Act 2024. (See end of Document for details)*

PROSPECTIVE

17 Targets for local authorities relating to household waste recycling

(1) The Environmental Protection Act 1990 is modified as follows.

(2) After section 47A insert—

"**47B Targets for local authorities relating to household waste recycling**

(1) The Scottish Ministers may by regulations make provision imposing targets on local authorities in relation to their carrying out of their waste management functions in so far as they relate to the recycling of household waste.

(2) Regulations under subsection (1) may not make provision imposing targets in relation to any time before 1 April 2030.

(3) Regulations under subsection (1) may in particular—

(a) specify targets to be achieved by local authorities,

(b) make further provision about the meaning of "recycling" for the purposes of the regulations,

(c) specify indicators by reference to which a local authority's achievement of targets can be measured,

(e) make provision about enforcement of the requirements imposed by the regulations,

(f) confer functions on the Scottish Environment Protection Agency in relation to monitoring the achievement of targets,

(g) make provision requiring the keeping of records and the provision of information by waste collection authorities.

(4) 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, and

(b) the Scottish Environment Protection Agency.

(5) Regulations under subsection (1) may—

(a) make different provision for different purposes, areas or local authorities,

(b) modify any enactment (including this Act),

(c) make incidental, supplementary, consequential, transitional, transitory or saving provision.

(6) In this section—

"local authority" and "waste management functions" have the meanings given in section 44ZA,

"recycling" includes composting and preparing for re-use.".

(3) In section 160A, in the table in subsection (2), after the entry relating to section 46ZC(1) (as inserted by section 11(3)) insert—

"section 47B(1) (targets for local authorities relating to household waste recycling)	any regulations under that subsection.".

Commencement Information
I32 S. 17 not in force at Royal Assent, see **s. 27**

Littering from vehicles: civil penalties

18 Littering from a vehicle

(1) The Environmental Protection Act 1990 is modified as follows.

(2) After section 88B insert—

"**88C Littering from a vehicle: Scottish civil penalty regime**

(1) An authorised officer of a litter authority may impose a civil penalty charge on the keeper of a vehicle if satisfied on the balance of probabilities that—

(a) an offence of leaving litter under section 87 ("an act of littering") has been committed from the vehicle, and

(b) the vehicle was on land within the litter authority's area at the time that the act of littering was committed.

(2) For the purposes of this section, the keeper of a vehicle—

(a) means the person by whom the vehicle is kept at the time when an act of littering occurs, and

(b) in the case of a registered vehicle is to be presumed, unless the contrary is proved, to be the registered keeper.

(3) The keeper's liability to pay a civil penalty charge notice to the authority arises when an authorised officer of a litter authority gives to the keeper written notice requiring payment of the charge ("a civil penalty charge notice").

(4) No civil penalty charge notice may be given—

(a) after the end of the period of 3 months beginning with the day on which the act of littering in question occurred, or

(b) if action has been taken under section 87 or section 88 against a person in respect of the same act of littering, regardless of—

(i) whether or not the person is the vehicle's keeper,

(ii) whether or not the action is ongoing,

(iii) the outcome of the action.

(5) The Scottish Ministers may by regulations make provision—

(a) for the amount that may be imposed as a civil penalty charge,

(b) for discounts and surcharges,

(c) as to the purposes for which sums received by an authority by way of civil penalty charge may be used,

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Circular Economy (Scotland) Act 2024. (See end of Document for details)*

(d) about the form and content of a civil penalty charge notice,
(e) about the procedure to be followed in giving a civil penalty charge notice,
(f) conferring rights to make representations about and to bring an appeal against a civil penalty charge notice,
(g) about the circumstances in which a civil penalty charge notice may or must be cancelled,
(h) about the procedure to be followed in cancelling a civil penalty charge notice,
(i) about the refund of sums paid by way of civil penalty charge,
(j) about exemptions from liability,
(k) whether and how an authority must keep and publish accounts in respect of sums received by way of civil penalty charge.

(6) In this section—

an "authorised officer" means an employee of a litter authority who is authorised in writing by the authority for the purposes of imposing civil penalty charges under this section,

"litter authority" means—

(a) a local authority,
(b) Loch Lomond and the Trossachs National Park Authority, or
(c) such other person as may be specified in regulations by the Scottish Ministers,

"local authority" means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994,

"registered keeper", in relation to a registered vehicle, means the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994,

"registered vehicle" means a vehicle which is registered under that Act,

"vehicle" means a mechanically-propelled vehicle or a vehicle designed or adapted for towing by a mechanically-propelled vehicle.

88D Littering from a vehicle: consequences of civil penalty charge notice under section 88C

(1) No action may be taken under section 87 or section 88 against a person in respect of an act of littering for which a civil penalty charge notice has been given and paid in full, regardless of whether or not the person who paid it is the vehicle's keeper.

(2) After the end of the period of 28 days beginning with the day on which a civil penalty charge notice is given, any unpaid amount of the charge may be recovered in like manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff for any sheriffdom.".

(3) In section 160A, in the table in subsection (2), after the entry relating to section 47B(1) (as inserted by section 13(3)) insert—

"88C(5) (littering from a vehicle: Scottish civil penalty regime)	any regulations under that subsection.".

Commencement Information

I33 S. 18 not in force at Royal Assent, see **s. 27**

I34 S. 18 in force at 1.8.2025 for specified purposes by S.S.I. 2025/170, reg. 2, **sch.**

Enforcement powers in respect of certain environmental offences

19 Powers to search and seize vehicles, etc.

(1) The Environment Act 1995 is modified as follows.

(2) After section 110 insert—

"Further enforcement powers: Scotland

110A Search and seizure of vehicles, etc.

(1) A relevant official may exercise the powers set out in subsection (2) where—

(a) the official reasonably believes that a vehicle has been, is being or is about to be used in the commission of a relevant offence, and

(b) proceedings have not been brought against any person in respect of the offence.

(2) The powers referred to in subsection (1) are—

(a) the power to stop the vehicle (but only a constable in uniform may stop a vehicle on a road),

(b) the power to require any occupant of the vehicle to give the official—

(i) the occupant's name and address,

(ii) the name and address of the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994,

(iii) any other information the official reasonably requests,

(c) the power to enter premises (but not premises used for residential purposes) at a reasonable time for the purpose of searching or seizing the vehicle,

(d) the power to search the vehicle,

(e) the power to seize the vehicle and any of its contents.

(3) Any information a person gives in response to a requirement imposed under subsection (2)(b) is inadmissible in evidence against the person in criminal proceedings in respect of any offence other than an offence under section 110B(1).

(4) A vehicle or its contents seized under subsection (2)(e)—

(a) by a relevant official of SEPA acting alone, are seized on behalf of SEPA,

(b) by a relevant official of a waste collection authority acting alone, are seized on behalf of the waste collection authority in whose area the seizure takes place,

(c) by a constable in the presence of or at the request of a relevant official of SEPA, are seized on behalf of SEPA,

(d) by a constable acting alone, or in the presence of or at the request of a relevant official of a waste collection authority, are seized on behalf of the waste collection authority in whose area the seizure takes place.

(5) For the purposes of this section, an offence is a relevant offence if an enactment states that the powers conferred by this section may be exercised in relation to it.

(6) In this section and sections 110B and 110C—

"enactment" includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament,

"mobile plant" means plant which is designed to move or to be moved whether on roads or otherwise,

"premises" includes any land, vehicle, vessel or mobile plant,

"relevant official" means—

(a) a person authorised by SEPA or by a waste collection authority to exercise the powers conferred by this section, or

(b) a constable,

"road" has the same meaning as in the Roads (Scotland) Act 1984,

"vehicle" means—

(a) a motor vehicle within the meaning of the Road Traffic Regulation Act 1984,

(b) a vehicle drawn by a motor vehicle,

(c) mobile plant,

"waste collection authority" means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.

110B Offences of obstructing, not co-operating, etc.

(1) A person commits an offence if the person—

(a) fails without reasonable excuse to give any assistance that a relevant official reasonably requests in the exercise of a power conferred by section 110A,

(b) otherwise intentionally obstructs a relevant official in exercising one of those powers,

(c) fails without reasonable excuse to give information when required to do so by a relevant official in exercise of the power conferred by section 110A(2)(b),

(d) in response to such a requirement knowingly or recklessly gives information that is, in a material way, either false or misleading.

(2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

110C Handling of seized property

(1) Where property has been seized under section 110A on behalf of SEPA or a waste collection authority, the authority on whose behalf it was seized (the

"responsible authority") may remove the seized property to a place which it considers appropriate.

(2) The responsible authority must—

(a) deal with any seized property in accordance with regulations made by the Scottish Ministers, and

(b) in so doing, have regard to any guidance issued by the Scottish Ministers.

(3) Regulations under subsection (2)(a)—

(a) must set out—

(i) the duties of a responsible authority in relation to the safe custody of seized property,

(ii) the circumstances in which seized property must be returned to a person claiming entitlement to it,

(iii) the circumstances in which a responsible authority may sell, destroy or otherwise dispose of seized property, and

(iv) the uses to which the proceeds of any sale may be put,

(b) must require a responsible authority to publish a notice in such form, and to take any other steps, as may be specified in the regulations for informing persons who may be entitled to the seized property that it has been seized and is available to be claimed,

(c) must require a responsible authority to wait for a period specified in the regulations before selling, destroying or otherwise disposing of seized property, with that period beginning only once the responsible authority has taken steps specified in the regulations to inform anyone who may be entitled to the seized property in question that it has been seized and how a claim for its return may be made,

(d) may—

(i) provide for exceptions to the requirements described by paragraphs (b) and (c),

(ii) include any other provision that the Scottish Ministers consider appropriate.

(4) Regulations under subsection (2)(a) are subject to the affirmative procedure.

110D Power to apply enforcement powers in respect of offences

(1) The Scottish Ministers may by regulations provide for an offence to be, or cease to be, a relevant offence for the purposes of section 110A.

(2) The power conferred by subsection (1) may be exercised to modify any enactment (including this Act).

(3) Regulations under subsection (1) are subject to the affirmative procedure.".

Commencement Information

I35 S. 19 not in force at Royal Assent, see **s. 27**

I36 S. 19 in force at 1.8.2025 for specified purposes by S.S.I. 2025/170, reg. 2, **sch.**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Circular Economy (Scotland) Act 2024. (See end of Document for details)*

PROSPECTIVE

20 Offences in respect of which powers may be exercised

F1(1) . . . . . .

(2) In the Environmental Protection Act 1990—

(a) in section 33 (prohibition on unauthorised or harmful deposit, treatment or disposal etc. of waste), after subsection (10) insert—

"(10A) The enforcement powers conferred by section 110A of the Environment Act 1995 may be exercised in relation to an offence under this section.",

(b) in section 34 (duty of care etc. as respects waste), after subsection (6) insert—

"(6A) The enforcement powers conferred by section 110A of the Environment Act 1995 may be exercised in relation to an offence consisting of a failure to comply with the duty imposed by subsections (1)(a), (aa), (b) and (c) and (2I).".

F2(3) . . . . . .

Textual Amendments

F1 S. 20(1) repealed (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), reg. 1(2), **sch. 21 para. 1** (with sch. 23)

F2 S. 20(3) repealed (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), reg. 1(2), **sch. 21 para. 1** (with sch. 23)

Commencement Information

I37 S. 20 not in force at Royal Assent, see **s. 27**

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

21 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.".

Commencement Information

I38 S. 21 not in force at Royal Assent, see **s. 27**

I39 S. 21 in force at 4.2.2025 by S.S.I. 2025/10, **reg. 2**

Reporting on waste, surpluses, etc.

22 Duty to make information publicly available

(1) The Regulatory Reform (Scotland) Act 2014 is modified as follows.

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

"14A Imposing duties on persons of any specified description (whether or not they are holders of permits or carrying on activities that are subject to registration, a requirement of notification or general binding rules) to make publicly available in a specified manner, specified information about anything stored or disposed of by them or on their behalf, except in relation to their domestic activities.".

Commencement Information

I40 S. 22 not in force at Royal Assent, see **s. 27**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Circular Economy (Scotland) Act 2024. (See end of Document for details)*

I41 S. 22 in force at 1.8.2025 by S.S.I. 2025/170, reg. 2, **sch.**

Waste reprocessing infrastructure report

23 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 map out—

(a) current waste infrastructure,

(b) planned waste infrastructure,

(c) any proposed infrastructure by the Scottish Ministers or other relevant bodies.

(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.

Commencement Information

I42 S. 23 not in force at Royal Assent, see **s. 27**

I43 S. 23 in force at 1.4.2025 by S.S.I. 2025/10, **reg. 3(d)**

Zero Waste Scotland: application of public bodies legislation

24 Zero Waste Scotland: application of public bodies legislation

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

Commencement Information

I44 S. 24 not in force at Royal Assent, see **s. 27**

I45 S. 24 in force at 1.4.2025 by S.S.I. 2025/10, **reg. 3(e)**

Deposit and return schemes

25 Deposit and return schemes: power to direct scheme administrator

(1) The Climate Change (Scotland) Act 2009 is modified as follows.

(2) 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.".

Commencement Information
I46 S. 25 not in force at Royal Assent, see **s. 27**
I47 S. 25 in force at 1.4.2025 by S.S.I. 2025/10, **reg. 3(f)**

Final provisions

26 Ancillary provision

(1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, in connection with or for giving full effect to this Act or any provision made under it.

(2) Regulations under this section may—
(a) make different provision for different purposes,
(b) modify any enactment (including this Act).

(3) Regulations under this section—
(a) are subject to the affirmative procedure if they add to, replace or omit any part of the text of an Act, but
(b) otherwise are subject to the negative procedure.

Commencement Information
I48 S. 26 in force at 9.8.2024, see **s. 27(1)**

27 Commencement

(1) The following provisions come into force on the day after Royal Assent: this section and sections 26 and 28.

(2) The other provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.

(3) Regulations under this section may—
(a) include transitional, transitory or saving provision,
(b) make different provision for different purposes.

Commencement Information
I49 S. 27 in force at 9.8.2024, see **s. 27(1)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Circular Economy (Scotland) Act 2024. (See end of Document for details)*

28 Short title

The short title of this Act is the Circular Economy (Scotland) Act 2024.

Commencement Information

I50 S. 28 in force at 9.8.2024, see **s. 27(1)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Circular Economy (Scotland) Act 2024. (See end of Document for details)*

SCHEDULE
(introduced by section 24)

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".

Commencement Information

I51 Sch. para. 1 not in force at Royal Assent, see **s. 27**

I52 Sch. para. 1 in force at 1.4.2025 by S.S.I. 2025/10, **reg. 3(g)**

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.".

Commencement Information

I53 Sch. para. 2 not in force at Royal Assent, see **s. 27**

I54 Sch. para. 2 in force at 1.4.2025 by S.S.I. 2025/10, **reg. 3(g)**

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".

Commencement Information

I55 Sch. para. 3 not in force at Royal Assent, see **s. 27**

I56 Sch. para. 3 in force at 1.4.2025 by S.S.I. 2025/10, **reg. 3(g)**

Public Services Reform (Scotland) Act 2010

4 (1) The Public Services Reform (Scotland) Act 2010 is modified as follows.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Circular Economy (Scotland) Act 2024. (See end of Document for details)*

(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".

Commencement Information

I57 Sch. para. 4 not in force at Royal Assent, see **s. 27**

I58 Sch. para. 4 in force at 1.4.2025 by S.S.I. 2025/10, **reg. 3(g)**

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".

Commencement Information

I59 Sch. para. 5 not in force at Royal Assent, see **s. 27**

I60 Sch. para. 5 in force at 1.4.2025 by S.S.I. 2025/10, **reg. 3(g)**

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".

Commencement Information

I61 Sch. para. 6 not in force at Royal Assent, see **s. 27**

I62 Sch. para. 6 in force at 1.4.2025 by S.S.I. 2025/10, **reg. 3(g)**

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—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Circular Economy (Scotland) Act 2024. (See end of Document for details)*

"Zero Waste Scotland (company number SC436030)".

Commencement Information

I63 Sch. para. 7 not in force at Royal Assent, see **s. 27**

I64 Sch. para. 7 in force at 1.4.2025 by S.S.I. 2025/10, **reg. 3(g)**

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)".

Commencement Information

I65 Sch. para. 8 not in force at Royal Assent, see **s. 27**

I66 Sch. para. 8 in force at 1.4.2025 by S.S.I. 2025/10, **reg. 3(g)**

Status:
This version of this Act contains provisions that are prospective.

Changes to legislation:
There are currently no known outstanding effects for the Circular Economy (Scotland) Act 2024.