

# Circular Economy (Scotland) Bill

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## 4th Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 14 to 20

Long Title

Amendments marked \* are new (including manuscript amendments) or have been altered.

### Section 14

#### Edward Mountain

**119** In section 14, page 17, line 7, at end insert—

<( ) The civil penalty charge under subsection (1) is a minimum of £500.>

#### Edward Mountain

**120** In section 14, page 17, line 25, leave out <for> and insert <to increase>

#### Sue Webber

**115** In section 14, page 17, line 40, at end insert—

<( ) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (5), the Scottish Ministers must consult and seek the approval of the Convention of Scottish Local Authorities on the content of the draft Scottish statutory instrument.>

#### Graham Simpson

**68** In section 14, page 17, line 40, at end insert—

<(5A) Regulations under this section must be made within one year of this section coming into force.

(5B) If the Scottish Ministers do not lay regulations in time as described under subsection (5A), they must make a statement to the Scottish Parliament stating their reasons for not doing so.>

#### Graham Simpson

**69** In section 14, page 17, line 40, at end insert—

<(5A) Regulations under this section must be made within two years of this section coming into force.

- (5B) If the Scottish Ministers do not lay regulations in time as described under subsection (5A), they must make a statement to the Scottish Parliament stating their reasons for not doing so.>

**Graham Simpson**

70 In section 14, page 17, line 40, at end insert—

- <( ) This section expires at the end of one year beginning with the day this section comes into force, unless regulations are made under subsection (5).>

**Graham Simpson**

71 In section 14, page 17, line 40, at end insert—

- <( ) This section expires at the end of two years beginning with the day this section comes into force, unless regulations are made under subsection (5).>

**After section 14**

**Graham Simpson**

72 After section 14, insert—

*<Public information on disposal of waste*

**Public information on disposal of waste**

- (1) The Scottish Ministers must establish a mobile app the purpose of which is to provide the general public with the means of—
  - (a) accessing information about disposing of household waste, and
  - (b) reporting any incident of unlawful disposal of waste.
- (2) The mobile app is to be available through app stores which the mobile app may be downloaded or otherwise accessed.>

**Section 15**

**Sue Webber**

116 In section 15, page 21, line 24, at end insert—

- <( ) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (2)(a), the Scottish Ministers must consult and seek the approval of the Convention of Scottish Local Authorities on the content of the draft Scottish statutory instrument.>

**Sue Webber**

117 In section 15, page 21, line 30, at end insert—

- <( ) Before laying a draft of a Scottish statutory instrument containing regulations under this section, the Scottish Ministers must consult and seek the approval of the Convention of Scottish Local Authorities on the content of the draft Scottish statutory instrument.>

**Graham Simpson**

73 In section 15, page 21, line 31, at end insert—

- <(4) Regulations under this section must be made within one year of this section coming into force.
- (5) If the Scottish Ministers do not lay regulations in time as described under subsection (4), they must make a statement to the Scottish Parliament stating their reasons for not doing so.”.>

**Graham Simpson**

74 In section 15, page 21, line 31, at end insert—

- <(4) Regulations under this section must be made within two years of this section coming into force.
- (5) If the Scottish Ministers do not lay regulations in time as described under subsection (4), they must make a statement to the Scottish Parliament stating their reasons for not doing so.”.>

**Graham Simpson**

75 In section 15, page 21, line 31, at end insert—

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

**Graham Simpson**

76 In section 15, page 21, line 31, at end insert—

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

**Graham Simpson**

77 In section 15, page 21, line 31, at end insert—

- <( ) In section 124, after subsection (9), insert—
  - “(9A) Section 110D comes into force the day after the Circular Economy (Scotland) Act 2024 receives Royal Assent.”.>

**After section 16**

**Lorna Slater**

**Supported by: Gillian Martin**

169 After section 16, insert—

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

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

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

(2) In section 140, after subsection (10) insert—

“(10A) Regulations under this section may provide for an enforcement officer to give to a person whom the enforcement officer has reason to believe has committed an offence under the regulations a notice offering the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty not exceeding level 3 on the standard scale.

(10B) In subsection (10A), an “enforcement officer” means a person referred to in subsection (3)(c).

(10C) Where provision under subsection (10A) is made in regulations under this section, the regulations may—

- (a) provide for the amount of the fixed penalty to be different in different cases or descriptions of case,
- (b) impose requirements on persons to whom a fixed notice is given to provide their name, address and date of birth,
- (c) create offences for failure to comply with requirements mentioned in paragraph (b), subject to a maximum penalty, on summary conviction, of a fine not exceeding level 3 on the standard scale,
- (d) enable enforcement officers to give certificates as to proof of payment or non-payment of a fixed penalty and for such certificates to be evidence of the facts stated in them.

(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.”>

### **Monica Lennon**

**170** After section 16, insert—

*<Scheme for reusable diapers*

#### **Scheme for reusable diapers**

- (1) Each local authority must, by 30 April 2026, make a scheme for their area to provide free access to reusable diapers 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 diapers that are available under the scheme,

- (b) the provision of an individual or a packet of reusable diapers for trial purposes for any persons interested in using reusable diapers,
- (c) the requirement for local authorities to prepare and publish guidance on how to use reusable diapers,
- (d) the requirement for local authorities to advertise the location of charities or volunteer groups that stock free or discounted reusable and disposable diapers as well as any charities or volunteer groups which provide a lending service of reusable diapers.>

## **Section 17**

### **Monica Lennon**

**171** In section 17, page 22, line 36, at end insert—

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

“(iv) on food items, including food waste and on the origins and destinations of food items and waste.”>.

### **Monica Lennon**

**172** In section 17, page 22, line 36, at end insert—

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

“(iv) on recycling and the destinations of recycling.”>.

### **Monica Lennon**

**173** In section 17, page 22, line 36, at end insert—

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

“(iv) on textiles and on the storage and disposal of textiles.”>.

## **After section 17**

### **Lorna Slater**

**Supported by: Gillian Martin**

**174** After section 17, insert—

*<Zero Waste Scotland: application of public bodies legislation*

### **Zero Waste Scotland: application of public bodies legislation**

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

### **Maurice Golden**

**207** After section 17, insert—

*<Waste reprocessing infrastructure report*

**Waste reprocessing infrastructure report**

- (1) The Scottish Ministers must prepare and publish a waste reprocessing infrastructure report.
- (2) A waste reprocessing infrastructure report is to set out the Scottish Ministers policies and proposals for the use and development of waste reprocessing infrastructure.
- (3) A waste reprocessing infrastructure report must—
  - (a) map out—
    - (i) current waste infrastructure,
    - (ii) planned waste infrastructure,
    - (iii) any proposed infrastructure by the Scottish Ministers or other relevant bodies,
  - (b) contain a strategy to—
    - (i) develop waste management data, for each waste management option used in Scotland,
    - (ii) reduce the proportion of recyclable materials in the residual waste stream,
    - (iii) strengthen local and community engagement and trust,
    - (iv) strengthen existing requirements for pre-treatment, in particular to remove as much recyclable material as feasible, with a particular focus on plastics,
    - (v) work in partnership with industry to deploy combined heat and power for as many existing incineration facilities,
  - (c) contain targets for resource and waste management,
  - (d) report on greenhouse gas emissions for each waste management option.
- (4) In preparing the waste reprocessing infrastructure report, the Scottish Ministers must have regard to any National Planning Framework published by them under the Town and Country Planning (Scotland) Act 1997.
- (5) The Scottish Ministers must lay a waste reprocessing infrastructure report before the Scottish Parliament.
- (6) The Scottish Ministers must prepare and publish the waste reprocessing infrastructure report before the expiry of one year beginning with the day after Royal Assent.>

**Section 19**

**Maurice Golden**

**175** In section 19, page 23, line 19, after <sections> insert <1,>

**Maurice Golden**

**176** In section 19, page 23, line 19, after <sections> insert <2,>

**Graham Simpson**

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

**Maurice Golden**

177 In section 19, page 23, line 19, after <sections> insert <4,>

**Maurice Golden**

178 In section 19, page 23, line 19, after <sections> insert <5,>

**Graham Simpson**

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

**Maurice Golden**

179 In section 19, page 23, line 19, after <sections> insert <7,>

**At an appropriate place in the Bill**

**Lorna Slater**

**Supported by: Gillian Martin**

180\* At an appropriate place in the Bill, insert—

<SCHEDULE

*(introduced by section (Zero Waste Scotland: application of public bodies legislation))*

ZERO WASTE SCOTLAND: APPLICATION OF PUBLIC BODIES LEGISLATION

*Ethical Standards in Public Life etc. (Scotland) Act 2000*

- 1 (1) The Ethical Standards in Public Life etc. (Scotland) Act 2000 is modified as follows.
- (2) In schedule 3 (devolved public bodies), after the entry relating to the Water Industry Commission for Scotland insert—

“Zero Waste Scotland”.

*Freedom of Information (Scotland) Act 2002*

- 2 (1) The Freedom of Information (Scotland) Act 2002 is modified as follows.
- (2) In Part 7 of schedule 1 (other Scottish public authorities to which the Act applies), after paragraph 106 insert—

“107 Zero Waste Scotland.”.

*Public Appointments and Public Bodies etc. (Scotland) Act 2003*

- 3 (1) The Public Appointments and Public Bodies etc. (Scotland) Act 2003 is modified as follows.
- (2) In schedule 2 (the specified authorities), under the heading of “Executive bodies”, after the entry relating to the Water Industry Commission for Scotland insert—

“Zero Waste Scotland”.

*Public Services Reform (Scotland) Act 2010*

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

- (2) In schedule 5 (improvement of public functions: listed bodies), under the heading of “Scottish public authorities with mixed functions or no reserved functions”, after the entry relating to the Water Industry Commission for Scotland insert—  
     “Zero Waste Scotland”.
- (3) In schedule 8 (information on exercise of public functions: listed public bodies), after the entry relating to the Water Industry Commission for Scotland insert—  
     “Zero Waste Scotland”.

*Public Records (Scotland) Act 2011*

- 5 (1) The Public Records (Scotland) Act 2011 is modified as follows.
- (2) In the schedule (authorities to which Part 1 of the Act applies), under the heading of “Others”, after the entry relating to the Water Industry Commission for Scotland insert—  
     “Zero Waste Scotland”.

*Procurement Reform (Scotland) Act 2014*

- 6 (1) The Procurement Reform (Scotland) Act 2014 is modified as follows.
- (2) In Part 3 of the schedule (other contracting authorities to which the Act applies), after paragraph 69 insert—  
     “70      Zero Waste Scotland”.

*Gender Representation on Public Boards (Scotland) Act 2018*

- 7 (1) The Gender Representation on Public Boards (Scotland) Act 2018 is modified as follows.
- (2) In schedule 1 (public authorities), after the entry relating to West Highland College UHI insert—  
     “Zero Waste Scotland (company number SC436030)”.

*Islands (Scotland) Act 2018*

- 8 (1) The Islands (Scotland) Act 2018 is modified as follows.
- (2) In the schedule (relevant authorities), under the heading of “Scottish public authorities with mixed or no reserved functions”, after paragraph 37 insert—  
     “38      Zero Waste (Scotland) (company number SC436030)”.>

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