

Circular Economy (Scotland) Bill — Stage 2

Before section 1

Maurice Golden

131 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.>

Section 1

Monica Lennon

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

<() must consider and account for the extraterritorial impact of material consumption in Scotland,>

Maurice Golden

133 In section 1, page 1, line 23, leave out <recovered> and insert <managed in line with the waste hierarchy>

Monica Lennon

134 In section 1, page 1, line 24, at end insert—

<() the highest possible standard of due diligence with regards to environmental protection in supply chains and public procurement is adhered to,>

Maurice Golden

135 In section 1, page 1, line 24, at end insert—

<() waste materials are managed as locally as possible, preferably in Scotland.>

Lorna Slater

136 In section 1, page 1, line 24, at end insert—

- <() 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.>

Lorna Slater

137 In section 1, page 1, line 24, at end insert—

- <() 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.>

Lorna Slater

138 In section 1, page 1, line 24, at end insert—

- <() In preparing the circular economy strategy, the Scottish Ministers must have regard to the desirability of encouraging the kinds of behavioural changes which would be required to meet the objectives set out in the strategy.>

Lorna Slater

139 In section 1, page 1, line 24, at end insert—

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

Maurice Golden

140 In section 1, page 1, leave out lines 26 and 27 and insert <—

- () have regard to all the sectors mentioned in section 35(3) of the Climate Change (Scotland) Act,
- () ensure any sectors in the Climate Change Plan are also included in the circular economy strategy,
- () include such other sectors or topics as the Scottish Ministers consider appropriate.>

Section 2

Maurice Golden

141 In section 2, page 2, line 13, at end insert—

<() the advisory body in section (*Advisory body and Ministerial advisory duties*),>

Section 6

Maurice Golden

- 142 In section 6, page 3, line 25, leave out <recovered> and insert <managed in line with the waste hierarchy>

Maurice Golden

- 143 In section 6, page 3, line 26, at end insert—
<() waste materials are managed as locally as possible, preferably in Scotland.>

Monica Lennon

- 144 In section 6, page 3, line 30, after <reuse,> insert <including increasing the uptake of free reusable diapers>

Monica Lennon

- 145 In section 6, page 3, line 32, after <waste,> insert <including food waste,>

Monica Lennon

- 146 In section 6, page 3, line 32, at end insert—
<() provide for the targets to adhere to the principle of “do no harm” where Scotland prevents and alleviates any adverse consequences of its actions in relation to these targets on any affected populations.>

Bob Doris

- 147 In section 6, page 3, line 34, after <procedure> insert <(but see section (*Circular economy targets: pre-laying procedure for first regulations*) in relation to the first regulations)>

Section 7

Maurice Golden

- 148 In section 7, page 4, line 9, at end insert—
<() whether the circular economy target is achievable,
() whether the circular economy target is appropriate,
() the respective contributions towards meeting each relevant target that has been made by—
(i) the sectors of the Scottish economy under section 1(4), and
(ii) such other sectors or topics as the Scottish Ministers consider appropriate.>

Lorna Slater

- 149** In section 7, page 4, line 12, leave out <intend to take to achieve targets that have not been achieved> and insert <are taking to achieve targets>

After section 7

Bob Doris

- 150** After section 7, insert—

<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.
- (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.>

Maurice Golden

- 151** After section 7, insert—

<Advisory body and Ministerial advisory duties

- (1) The Scottish Ministers must, by regulations, designate—
 - (a) a body established for the purpose of exercising advisory functions on the circular economy, or
 - (b) such other public body as they consider appropriate to exercise the functions in subsection (2).
- (2) The advisory functions are—
 - (a) providing advice, analysis, information and other assistance to the Scottish Ministers in respect of the Ministers' duties under sections 1 and 6,
 - (b) any other functions the Scottish Ministers consider appropriate.
- (3) The Scottish Ministers must consult the advisory body and seek advice on at least one occasion before—
 - (a) publication of the circular economy strategy under section 1,
 - (b) publication of any revisions to the circular economy strategy under section 4, and
 - (c) introduction of the circular economy targets under section 6.
- (4) The advice sought under subsection (3) must include—
 - (a) whether the circular economy strategy is achievable,
 - (b) whether the circular economy strategy is appropriate,
 - (c) the estimated contribution of the circular economy strategy towards the circular economy target.
- (5) A request for advice under subsection (3) may request the relevant body's views as to any other matter which the Scottish Ministers consider relevant.
- (6) The Scottish Ministers must—
 - (a) publish any advice received in response to a request under subsection (2) as soon as reasonably practicable after it is received,
 - (b) within 2 months of receiving that advice, publish a statement to set out how they intend to respond to that advice, and
 - (c) if they do not publish a statement under paragraph (b) above, make a statement to the Scottish Parliament to set out the reasons for not doing so.
- (7) Regulations under subsection (1) are subject to the affirmative procedure.>

Maurice Golden

152 After section 7, insert—

<Duty to prepare circular economy plan

- (1) Each public body must—
 - (a) prepare an 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 authority will—
 - (i) account for the proportion of its activity under section 6(3)(a), in particular through procurement,
 - (ii) improve the circular economy of their operations,
 - (b) sets the date by which any improvements must 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.>

Section 8

Monica Lennon

153 In section 8, page 5, line 15, at end insert—

- <() include provision for the donation of unsold textiles from a business to—
- (i) third sector organisations,
 - (ii) education providers, including primary and secondary schools.>

Monica Lennon

154 In section 8, page 5, line 15, at end insert—

- <() include provision for the recycling, reuse or repair of unsold textiles by businesses and public bodies.>

Monica Lennon

155 In section 8, page 5, line 15, at end insert—

- <() include provisions for the restriction of selling unsold textile goods as waste by business and public bodies for the purpose of export.>

Monica Lennon

156 In section 8, page 5, line 15, at end insert—

- <() include provisions for the prohibition of exportation of unsold textile goods.>

After section 9

Monica Lennon

157 After section 9, insert—

<Free access to reusable diapers

Free access to reusable diapers

- (1) Each health board in Scotland must, by 30 April 2026, provide free access to reusable diapers in any maternity facilities, alongside any existing provision for disposable diapers.
- (2) Free access, may include—
 - (a) a packet of reusable diapers for a new born baby,
 - (b) guidance on how to use reusable diapers,
 - (c) information about venues that stock reusable and disposable diapers as well as venues which provide a lending service for reusable diapers within the local authority that the health board area covers.
- (3) The Scottish Ministers must, prior to 30 April 2026, prepare and publish guidance for health boards on the distribution of free reusable diapers to patients, including babies, children and adults outside of maternity facilities.>

Monica Lennon

158 After section 9, insert—

<Reporting on access to reusable diapers

- (1) The Scottish Ministers must, as soon as practicable after 30 April 2027, prepare and publish a report setting out—
 - (a) the progress in increasing access and uptake of reusable diapers across Scotland generally and through any schemes or provisions under sections (*Free access to reusable diapers*) and (*Scheme for reusable diapers*),
 - (b) any barriers to access or uptake of reusable diapers across Scotland generally and with regards to any schemes or provisions under sections (*Free access to reusable diapers*) and (*Scheme for reusable diapers*).>

Monica Lennon

159 After section 9, insert—

<Schools to ensure refillable bottles obtainable free of charge by pupils

Schools to ensure refillable bottles obtainable free of charge by pupils

- (1) Each school must ensure by 30 December 2026, that refillable bottles are obtainable free of charge to pupils.
- (2) The refillable bottles must be—
 - (a) made from sustainable materials,
 - (b) where possible and reasonable, sourced from Scotland.>

Section 11

Jackie Dunbar

160 In section 11, page 14, line 18, at end insert—

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

Section 12

Maurice Golden

161 In section 12, page 14, line 33, after <collection> insert <, reuse, repair>

Maurice Golden

162 In section 12, page 14, line 37, at end insert—

<() the items of household waste that are to be reused or repaired,>

Maurice Golden

163 In section 12, page 15, line 10, at end insert—

<() the general public.>

Section 13

Maurice Golden

164 In section 13, page 15, line 35, leave out <may> and insert <must>

Lorna Slater

165 In section 13, page 16, leave out lines 7 and 8

Lorna Slater

166 In section 13, page 16, leave out lines 15 and 16

Maurice Golden

167 In section 13, page 16, line 16, at end insert—

<() specify how the targets under this section relate to the circular economy targets under section 6 of the Circular Economy (Scotland) Act.>

Maurice Golden

168 In section 13, page 16, line 21, at end insert—

<() the general public.>

After section 16

Lorna Slater

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 interesting 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

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.>

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,>

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,>

Maurice Golden

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

At an appropriate place in the Bill

Lorna Slater

180 At an appropriate place in the Bill, insert—

<SCHEDULE

(inserted 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)”.>