CLIMATE CHANGE (SCOTLAND) ACT 2009

EXPLANATORY NOTES

THE ACT

Part 5 – Other Climate Change Provisions Chapter 5 – Waste reduction and recycling

Waste prevention and management plans

Enforcement authorities

185. Section 79 names SEPA as the enforcement authority in respect of waste information. Other provisions in this Chapter enable the Scottish Ministers to specify, by regulations, enforcement authorities in respect of them. Section 89 allows the Scottish Ministers to specify SEPA, a local authority or such other person or body as may be selected. Subsection (3) allows the functions of an enforcement authority to be divided between different specified bodies. Subsection (4) provides that enforcement authorities may charge to recover costs reasonably incurred in connection with their functions. SEPA, however, already has a charging power under section 41(1) of the Environment Act 1995, so charging in respect of its functions under section 79 has been dealt with as a consequential amendment of section 41(1) (see schedule 2, paragraph 2).