



Climate Change (Scotland) Act 2009

2009 asp 12

PART 5

OTHER CLIMATE CHANGE PROVISIONS

CHAPTER 5

WASTE REDUCTION AND RECYCLING

Deposit of recyclable waste etc.

80 Recyclable waste: facilities for deposit etc.

- (1) The Scottish Ministers may, by regulations, require—
- (a) persons of the kinds specified to provide facilities for the deposit of waste;
 - (b) authorised persons—
 - (i) to collect waste deposited by virtue of paragraph (a);
 - (ii) to ensure, in so far as reasonably practicable, that such waste collected by or transferred to them (whether in accordance with section 34 of the 1990 Act or otherwise) is recycled.
- (2) The regulations may in particular include provision about—
- (a) the circumstances in which facilities must be provided, including the places at which they must be provided;
 - (b) the persons for whom facilities must be provided;
 - (c) the kinds of waste for which facilities must be provided;
 - (d) the circumstances in which authorised persons must collect waste, including which authorised persons must do so;
 - (e) the charging by authorised persons for collecting waste, for recycling waste and for otherwise ensuring waste is recycled;
 - (f) subject to section 89—
 - (i) the enforcement authority in relation to the regulations; and
 - (ii) the functions of that authority;

Status: This is the original version (as it was originally enacted).

- (g) the keeping of records and their production to the enforcement authority;
 - (h) the enforcement of the duties imposed by the regulations;
 - (i) offences in relation to failures to comply with requirements of the regulations.
- (3) 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.
- (4) The Scottish Ministers may not, by regulations under this section, impose requirements on persons to provide facilities for the deposit of waste in circumstances in relation to which regulations under section 81 may be made.
- (5) In this section and in section 81, “authorised person” has the same meaning as in section 34(3) of the 1990 Act.

81 Recyclable waste: facilities for deposit at events etc.

- (1) The Scottish Ministers may, by regulations, confer power on local authorities to issue notices requiring—
- (a) persons responsible for organising temporary events open to the public to provide facilities for the deposit of waste by persons attending those events;
 - (b) authorised persons to—
 - (i) collect waste deposited by virtue of paragraph (a);
 - (ii) ensure, in so far as reasonably practicable, that such waste collected by or transferred to them (whether in accordance with section 34 of the 1990 Act or otherwise) is recycled.
- (2) The regulations may in particular include provision about—
- (a) the events in relation to which notices can be issued;
 - (b) the circumstances in which facilities must be provided, including the places at which they must be provided;
 - (c) the persons for whom facilities must be provided;
 - (d) the kinds of waste for which facilities must be provided;
 - (e) the persons to whom notices can be issued;
 - (f) the content of notices;
 - (g) the form of and manner in which notices can be issued, including the times at which notices can be issued;
 - (h) appeals against notices;
 - (i) the circumstances in which authorised persons must collect waste, including which authorised persons must do so;
 - (j) the charging by authorised persons for collecting waste, recycling waste and otherwise ensuring waste is recycled;
 - (k) subject to section 89—
 - (i) the enforcement authority in relation to notices; and
 - (ii) the functions of that authority;
 - (l) the keeping of records by persons to whom notices are issued and their production to the enforcement authority;
 - (m) the enforcement of duties imposed by notices;
 - (n) offences in relation to failures to comply with requirements of notices.

Status: This is the original version (as it was originally enacted).

- (3) Local authorities must have regard to any guidance given by the Scottish Ministers to them in relation to the functions conferred on them by the regulations.
- (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.