



Climate Change (Scotland) Act 2009

2009 asp 12

PART 5

OTHER CLIMATE CHANGE PROVISIONS

CHAPTER 5

WASTE REDUCTION AND RECYCLING

Procurement of recycle

82 Procurement of recycle

- (1) The Scottish Ministers may, by regulations, require persons of the kinds specified to comply with the requirement in subsection (2).
- (2) That requirement is to ensure that things procured or constructed by or on behalf of such persons—
 - (a) comprise of; or
 - (b) include or contain a certain proportion of, recycle.
- (3) The regulations may in particular include provision about—
 - (a) the circumstances in which the requirement applies;
 - (b) the kinds of things in relation to which the requirement applies;
 - (c) the proportion of recycle that such things must include or contain;
 - (d) how such proportions are to be determined;
 - (e) the circumstances in which a person may apply to the Scottish Ministers to have the requirement disapplied;
 - (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 duties imposed by the regulations;

Changes to legislation: There are currently no known outstanding effects for the Climate Change (Scotland) Act 2009, Cross Heading: Procurement of recyclate. (See end of Document for details)

- (i) offences in relation to failures to comply with requirements of 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.
- (5) Persons to whom the regulations apply must have regard to any guidance given by—
 - (a) the Scottish Ministers;
 - (b) the enforcement authority,
 to them in relation to the requirements imposed by the regulations.
- (6) In this section, “recyclate” means waste that has been recycled.

Commencement Information

II S. 82 in force at 31.10.2009 by [S.S.I. 2009/341](#), [art. 2\(2\)\(a\)](#)

[^{F1}82A Procurement of recycled and recyclable products etc.

- (1) The Scottish Ministers may by regulations require specified contracting authorities to ensure that—
 - (a) a specified proportion of the goods or works procured by or on behalf of the authorities, or
 - (b) a specified proportion of the materials used in the production, provision or construction of goods, services or works so procured,
 fall within subsection (2).
- (2) Something falls within this subsection if—
 - (a) it has been used already (including where it has been refurbished since that use),
 - (b) it has been remanufactured, or
 - (c) it is designed to be repaired, reused, refurbished, remanufactured or recycled.
- (3) The regulations may, in particular, make provision about—
 - (a) the circumstances in which the requirement applies,
 - (b) the kinds of things in relation to which the requirement applies,
 - (c) how the specified proportions are to be determined,
 - (d) the circumstances in which a person may apply to the Scottish Ministers to have the requirement disapplied,
 - (e) subject to section 89—
 - (i) the enforcement authority in relation to the regulations, and
 - (ii) the functions of that authority,
 - (f) the keeping of records and their production to the enforcement authority,
 - (g) the enforcement of the duties imposed by the regulations,
 - (h) offences in relation to failures to comply with requirements of 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.
- (5) Persons to whom the regulations apply must have regard to any guidance given by—
 - (a) the Scottish Ministers,

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(b) the enforcement authority,
to them in relation to the requirements imposed by the regulations.

(6) In this section—

“contracting authority” has the meaning given by section 1 of the Procurement Reform (Scotland) Act 2014,

“specified” means specified in the regulations.]

Textual Amendments

F1 S. 82A inserted (18.4.2016) by Procurement Reform (Scotland) Act 2014 (asp 12), ss. 36, 45; S.S.I. 2016/30, art. 3 (with art. 5)

Changes to legislation:

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