



Climate Change (Scotland) Act 2009

2009 asp 12

PART 5

OTHER CLIMATE CHANGE PROVISIONS

CHAPTER 5

WASTE REDUCTION AND RECYCLING

Procurement of recyclate

82 Procurement of recyclate

- (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, recyclate.
- (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 recyclate 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;

Status: This is the original version (as it was originally enacted).

- (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.