



Climate Change (Scotland) Act 2009

2009 asp 12

PART 5

OTHER CLIMATE CHANGE PROVISIONS

CHAPTER 5

WASTE REDUCTION AND RECYCLING

Procurement of recyclate

[^{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—

Changes to legislation: There are currently no known outstanding effects for the Climate Change (Scotland) Act 2009, Section 82A. (See end of Document for details)

- (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,
 - (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](#))

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