

Net Zero, Energy and Transport Committee

32nd Meeting, 2023 (Session 6)

Tuesday, 14 November 2023

Circular Economy (Scotland) Bill

Introduction

1. [The Circular Economy \(Scotland\) Bill](#) was introduced on 13 June 2023 and was referred to the Net Zero, Energy and Transport Committee for Stage 1 scrutiny. The deadline for Stage 1 of the Bill's legislative process is 26 January 2024.

- [Circular Economy \(Scotland\) Bill – as introduced](#)
- [Policy Memorandum](#)
- [Explanatory Notes](#)
- [Delegated Powers Memorandum](#)
- [Financial Memorandum](#)
- [Statement on Legislative Competence](#)

2. According to policy memorandum accompanying the Bill, a circular economy—

- “cuts waste, carbon emissions and pressures on the natural environment;
- opens up new market opportunities, improves productivity, increases self sufficiency and resilience by reducing reliance on international supply chains and global shocks; and
- strengthens communities by providing local employment opportunities and lower cost options to access the goods Scotland needs.”

3. The Bill as introduced contains 20 sections, proposing statutory measures to help deliver a circular economy. The policy memorandum highlights specific provisions in the Bill relating to—

- **Circular economy strategy:** establishes a responsibility for the Scottish Government to publish a circular economy strategy at least every 5 years. The policy memorandum says this aims to “direct national policy on the circular economy”.
- **Circular economy targets:** provides regulation-making powers for the Scottish Ministers to impose statutory targets on itself for making progress towards delivering a circular economy.
- **Restrictions on the disposal of unsold consumer goods:** introduces new powers for the Scottish Government to limit the disposal or destruction of unsold goods. The policy memorandum says this measure aims to support a

reduction “in wasteful practice and unsustainable behaviour” for items such as clothing material and electrical appliances.

- **Charges for single-use items:** creates new regulation-making powers for the Scottish Government to introduce a minimum charge for certain single-use items. The policy memorandum says the purpose of this measure is to reduce consumption of these items. The Scottish Government has said that it intends to utilise this new power to introduce a minimum charge for disposable beverage cups.
- **Householder’s duty of care in relation to waste:** includes provisions creating a criminal offence for householders breaking their obligations around waste as set out in the Environmental Protection Act 1990. The Bill also creates a new regime of fixed penalties for local authorities to enforce this offence.
- **Household waste:** introduces new obligations for local authorities to comply with a code of practice on recycling. The Bill also provides powers for the Scottish Government to set statutory recycling targets for local authorities. The Scottish Government has said these targets would apply from 2030.
- **Littering from vehicles:** the Bill establishes a new civil penalty regime that will make the owner of a vehicle liable to pay a penalty charge for offences committed regarding littering from that vehicle.
- **Enforcement powers in respect of certain environmental offences:** the Bill provides a new enforcement power for SEPA and local authorities to seize vehicles involved in waste crime.
- **Reporting of waste data:** the Bill places new requirements for businesses to publicly report information relating to waste and surplus.

4. A Briefing on the Bill has been produced by the Scottish Parliament Information Centre (SPICe)—

- [SPICe Stage 1 Bill Briefing on the Circular Economy \(Scotland\) Bill](#)

Net Zero, Energy and Transport Committee scrutiny of the Bill

5. The Committee first considered its approach to scrutiny at its meeting on 27 June.

- [Read the minutes of the meeting on 27 June 2023](#)

6. It agreed to undertake a dual approach to its consultation on the Bill. The Committee hosted an online discussion on the themes arising in the Bill in addition to seeking detailed views on the intended operation of the specific provisions.

7. The call for views launched on 29 June and closed on 1 September. Responses can be found on the Committee's website.

- [Read responses to the call for evidence on Citizen Space.](#)
- [Read responses to the online discussion.](#)

8. On 27 June, the Committee agreed to initial panels of witnesses for its oral evidence taking on the Bill. It agreed further panels of witnesses at its meeting on 26 September.

9. At its meetings on 12 and 26 September, the Committee considered and agreed to undertake fact-finding visits to further explore the issues arising from the Bill.

10. On 8 November, the Committee visited Binn Group, a waste and resource management company, at its site in Glenfarg, Perthshire.

Oral evidence

11. On 26 September, the Committee commenced its oral evidence taking on the Bill by hearing from a panel of representatives from Scotland's business community. [Read the Official Report – 26 September 2023.](#)

12. On 3 October, the Committee heard from a panel of statutory environmental regulators. [Read the Official Report – 3 October 2023.](#)

13. On 31 October, the Committee held an evidence session with Scottish National Investment Bank to discuss its views on the Bill. [Read the Official Report – 31 October 2023.](#)

14. On 7 November, the Committee discussed the Bill with representatives of Consumer Scotland.

Meeting on 14 November

15. The Committee will continue its evidence taking on the Bill by hearing from a panel of environmental organisations from the third sector, as listed on the agenda.

16. Written submissions have been received from—

- [Scottish Environment LINK](#)
- [Circular Communities Scotland](#)
- [Action to Protect Rural Scotland](#)
- [Friends of the Earth Scotland](#)

17. On 1 September 2023, the Committee received a joint letter from Friends of the Earth Scotland on the issue of carbon-based consumption targets and the Circular Economy (Scotland) Bill.

- [Read the correspondence from Friends of the Earth Scotland](#)

Next steps

18. The Committee will continue its consideration of the Bill over the coming weeks by hearing from several panels of witnesses—

- On 21 November, the Committee will take evidence from representatives of COSLA, Society of Local Authority Chief Executives and Senior Managers (Solace) and private waste companies. This will be followed by hearing from a panel of individual local authorities from urban, rural, semi-rural and islands areas.
- On 28 November, the Committee will hold an evidence session with UK-wide and international circular economy organisations. After this it will take evidence from a panel of academic experts in the field of circular economy policy;
- On 5 December, the Committee will take closing evidence from the Minister for Green Skills, Circular Economy and Biodiversity.

19. The Committee will also continue its programme of engagement work relating to the Bill.

Clerks
Net Zero, Energy and Transport Committee