



Circular Economy (Scotland) Act 2024

2024 asp 13

PROSPECTIVE

Fly-tipping offences and removal of waste

11 Fixed penalty notices for fly-tipping offences

- (1) The Environmental Protection Act 1990 is modified as follows.
- (2) In section 33A, in subsection (10)—
 - (a) the words from “substitute” to the end become paragraph (a),
 - (b) in paragraph (a), for “level 2” substitute “level 3”,
 - (c) after paragraph (a) insert—
 - “(b) substitute different amounts (not exceeding level 3 on the standard scale) in relation to different cases or descriptions of case.”.

Commencement Information

- II** S. 11 not in force at Royal Assent, see [s. 27](#)

12 Removal of unlawfully deposited waste

- (1) In section 59 of the Environmental Protection Act 1990—
 - (a) after subsection (1) insert—
 - “(1A) A waste regulation authority or waste collection authority may only impose a requirement under subsection (1) on an occupier of land if the authority is satisfied that the occupier—
 - (a) deposited the waste, or
 - (b) knowingly caused or knowingly permitted the deposit of the waste.”,
 - (b) in subsection (2), for “the sheriff by way of summary application” substitute “the Scottish Ministers”.

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Circular Economy (Scotland) Act 2024, Cross Heading: Fly-tipping offences and removal of waste. (See end of Document for details)

- (c) in subsection (3)—
 - (i) after “court” insert “or the Scottish Ministers (as the case may be)”,
 - (ii) after “is” insert “or they are”,
 - (d) in subsection (4)—
 - (i) after “court” insert “or the Scottish Ministers (as the case may be)”,
 - (ii) after “it” insert “or they”,
 - (e) after subsection (9) insert—
 - “(10) The Scottish Ministers may by regulations make further provision about appeals to them under subsection (2), including—
 - (a) provision about the manner in which appeals are to be brought,
 - (b) provision about the manner in which appeals are to be considered,
 - (c) transitional, transitory or saving provision.
 - (11) The Scottish Ministers may issue guidance for waste regulation authorities and waste collection authorities on the operation of this section.
 - (12) Waste regulation authorities and waste collection authorities must have regard to any guidance issued under subsection (11).
 - (13) This section is subject to section 114 of the Environment Act 1995 (delegating or referring of appeals etc).”.
- (2) In section 114(2) of the Environment Act 1995, in paragraph (a)(iii), after “22(5),” insert “59(2),”.

Commencement Information

12 S. 12 not in force at Royal Assent, see [s. 27](#)

Status:

This version of this cross heading contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Circular Economy (Scotland) Act 2024,
Cross Heading: Fly-tipping offences and removal of waste.