



Circular Economy (Scotland) Act 2024

2024 asp 13

PROSPECTIVE

Restrictions on the disposal of unsold consumer goods

9 Restrictions on the disposal of unsold consumer goods

- (1) The Climate Change (Scotland) Act 2009 is modified as follows.
- (2) After section 78 insert—

“Restrictions on the disposal of unsold consumer goods

78A Restrictions on the disposal of unsold consumer goods

- (1) The Scottish Ministers may, by regulations, make provision prohibiting or restricting the disposal of unsold consumer goods if they consider it appropriate to do so for the purpose of reducing waste.
- (2) In subsection (1), “consumer goods” means goods intended to be purchased, used or consumed by a consumer.
- (3) But “consumer goods” does not include food (within the meaning of Regulation (EC) No. 178/2002).
- (4) Consumer goods are “unsold” if they have not been sold to, or have been returned by, a consumer.
- (5) In this section, “consumer” means—
 - (a) an individual—
 - (i) who purchases, uses or receives goods or services which are supplied in the course of a business carried on by the person supplying them, and
 - (ii) who is not purchasing, using or receiving the goods or services wholly or mainly in the course of a business carried on by the individual, or

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: Restrictions on the disposal of unsold consumer goods. (See end of Document for details)

- (b) a business (including a business carried on by an individual) which purchases, uses or receives goods or services which are supplied in the course of a business carried on by the person supplying them.
- (6) Regulations under subsection (1) may in particular—
- (a) specify the particular types of unsold consumer goods to which the prohibitions or restrictions apply,
 - (b) include provision about the persons to whom the prohibitions or restrictions apply,
 - (c) include provision about the meaning of “disposal” for the purposes of the regulations,
 - (d) include further provision about the meaning of “unsold” for the purposes of the regulations,
 - (e) include provision to prioritise the re-use, rather than recycling of unsold goods, in line with the waste hierarchy,
 - (f) provide for exemptions from the prohibitions or restrictions,
 - (g) subject to section 89, include provision about—
 - (i) the enforcement authority in relation to the regulations, and
 - (ii) the functions of that authority,
 - (h) include other provision about enforcement of the regulations.
- (7) Provision about enforcement under subsection (6)(h) may in particular include provision—
- (a) enabling functions of the enforcement authority to be carried out on its behalf by persons authorised in accordance with the regulations,
 - (b) about the keeping of records and their production to the enforcement authority,
 - (c) about offences in relation to failures to comply with requirements in the regulations,
 - (d) for the giving of notices by or on behalf of the enforcement authority offering a person the opportunity of discharging any liability to conviction for an offence under the regulations by payment of a fixed penalty.
- (8) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1) before the Scottish Parliament, the Scottish Ministers must consult such persons as they consider appropriate.
- (9) The Scottish Ministers must, as soon as reasonably practicable after regulations under subsection (1) are made, publish guidance for the enforcement authority in relation to the functions conferred on it by the regulations.
- (10) The enforcement authority must have regard to any guidance published under subsection (9).”.

Commencement Information

II S. 9 not in force at Royal Assent, see [s. 27](#)

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