



Circular Economy (Scotland) Act 2024

2024 asp 13

Charges for single-use items

PROSPECTIVE

10 Power to require imposition of charges for single-use items

- (1) The Climate Change (Scotland) Act 2009 is modified as follows.
- (2) In section 83(4), for “In this section and in section 84,” substitute “For the purpose of this section and any regulations made under it,”.
- (3) In section 84, after subsection (7) insert—
 - “(8) For the purpose of this section and any regulations made under it, “packaging” has the meaning given by Article 3 of [Directive 94/62/EC](#) of the European Parliament and of the Council on packaging and packaging waste.”.
- (4) After section 87 insert—

“Chargeable items

87A Charges for supply of single-use items

- (1) The Scottish Ministers may, by regulations, require suppliers of goods—
 - (a) to charge for items specified in the regulations,
 - (b) to apply the net proceeds raised by such charges to the advancement of environmental protection or improvement or to any other purposes that may be reasonably regarded as analogous.
- (2) The regulations may in particular include provision about—
 - (a) the circumstances in which the requirement applies,
 - (b) the suppliers to whom the requirement applies,
 - (c) the minimum amount to be charged for an item specified in the regulations,
 - (d) how the net proceeds raised by the charge are to be ascertained,

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Circular Economy (Scotland) Act 2024, Section 10. (See end of Document for details)

- (e) the particular purposes to which those net proceeds are to be applied,
 - (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 requirements imposed by the regulations,
 - (i) offences in relation to failures to comply with the requirements imposed by the regulations.
- (3) The regulations may only specify items which are—
- (a) manufactured,
 - (b) provided—
 - (i) as a container or packaging for goods, or
 - (ii) to be used in connection with the consumption or use of goods, and
 - (c) likely to be used for that purpose only—
 - (i) once, or
 - (ii) for a short period.
- (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) The italic heading immediately preceding section 88 is omitted.
- (6) The italic heading immediately preceding section 88A is omitted.
- (7) In section 88A—
- (a) in subsection (2), after “section” insert “87A or”,
 - (b) the title of the section becomes “Offences relating to supply of chargeable items: fixed penalty notices”.
- (8) In section 97(1)—
- (a) the word “or” immediately following paragraph (a) is repealed,
 - (b) after paragraph (b) insert—
 - “(c) regulations under section 87A which specify (or modify the description of) items that suppliers of goods are required to charge for.”.
- (9) In section 98, the definition of “packaging” is repealed.

Commencement Information

II S. 10 not in force at Royal Assent, see [s. 27](#)

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