



Circular Economy (Scotland) Act 2024

2024 asp 13

Fly-tipping offences and removal of waste

PROSPECTIVE

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”,

(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.

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 12. (See end of Document for details)

- (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

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

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 12.