



Circular Economy (Scotland) Act 2024

2024 asp 13

Enforcement powers in respect of certain environmental offences

PROSPECTIVE

20 Offences in respect of which powers may be exercised

(1) In the Control of Pollution (Amendment) Act 1989—

- (a) in section 1 (offence of transporting controlled waste without registering), after subsection (5) insert—

“(5A) The enforcement powers conferred by [section 110A](#) of the Environment Act 1995 may be exercised in relation to an offence under this section.”,

- (b) in section 5 (duty to produce authority to transport controlled waste)—
(i) for subsections (1) and (2) substitute—

“(1A) Where it reasonably appears to a duly authorised officer of a regulation authority or to a constable that a person—

- (a) has been engaged in transporting controlled waste in contravention of section 1(1),
(b) is engaged in doing so, or
(c) is about to engage in doing so,

the officer or constable may require the person to produce the person's authority or, as the case may be, the person's employer's authority for transporting the waste.

(1B) In this section, references to a “regulation authority” include a waste collection authority falling within section 30(3)(c) of the Environmental Protection Act 1990.”,

- (ii) in subsection (4)(a) for “(1)” substitute “(1A)”,
(iii) in subsection (6)(a) for “his” substitute “the person's (or, as the case may be, the person's employer's)”,
(iv) in subsection (6)(b) for “he” substitute “the person”,

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 20. (See end of Document for details)

- (c) section 6 (seizure and disposal of vehicles used for illegal waste disposal) is repealed.
- (2) In the Environmental Protection Act 1990—
- (a) in section 33 (prohibition on unauthorised or harmful deposit, treatment or disposal etc. of waste), after subsection (10) insert—
- “(10A) The enforcement powers conferred by [section 110A](#) of the Environment Act 1995 may be exercised in relation to an offence under this section.”,
- (b) in section 34 (duty of care etc. as respects waste), after subsection (6) insert—
- “(6A) The enforcement powers conferred by [section 110A](#) of the Environment Act 1995 may be exercised in relation to an offence consisting of a failure to comply with the duty imposed by subsections (1)(a), (aa), (b) and (c) and (2I).”.
- (3) In the Pollution Prevention and Control (Scotland) Regulations 2012 ([S.S.I. 2012/360](#)), after regulation 57 insert—

“57A. Search and seizure of vehicles, etc.

The enforcement powers conferred by [section 110A](#) of the 1995 Act may be exercised in relation to an offence under regulation 67(1)(a) or (b).”.

Commencement Information

II S. 20 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 20.