



# Circular Economy (Scotland) Act 2024

## 2024 asp 13

*Offences relating to the use etc. of injurious articles or substances: fixed penalty notices*

PROSPECTIVE

### **21 Offences relating to the use etc. of injurious articles or substances: fixed penalty notices**

- (1) The Environmental Protection Act 1990 is modified as follows.
- (2) In section 140, after subsection (10) insert—

“(10A) Regulations under this section may provide for an enforcement officer to give to a person whom the enforcement officer has reason to believe has committed an offence under the regulations a notice offering the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty not exceeding level 3 on the standard scale.

(10B) In subsection (10A), an “enforcement officer” means a person referred to in subsection (3)(c).

(10C) Where provision under subsection (10A) is made in regulations under this section, the regulations may—

- (a) provide for the amount of the fixed penalty to be different in different cases or descriptions of case,
- (b) impose requirements on persons to whom a fixed notice is given to provide their name, address and date of birth,
- (c) create offences for failure to comply with requirements mentioned in paragraph (b), subject to a maximum penalty, on summary conviction, of a fine not exceeding level 3 on the standard scale,
- (d) enable enforcement officers to give certificates as to proof of payment or non-payment of a fixed penalty and for such certificates to be evidence of the facts stated in them.

(10D) Where provision under subsection (10A) is made in regulations under this section, the regulations must require a fixed penalty notice—

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*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 21. (See end of Document for details)*

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- (a) to set out the particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information about the offence,
- (b) to set out the amount of the fixed penalty,
- (c) if the amount of the fixed penalty may be discounted in certain circumstances, to set out those circumstances and the amount of the discount,
- (d) to set out the period within which the fixed penalty is to be paid, the person to whom it is to be paid and the arrangements for doing so,
- (e) to set out the effect of paying the fixed penalty within the payment period and the consequences of not paying the fixed penalty within that period.”

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**Commencement Information**

**II** S. 21 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 21.