

**2022 No. 305 (C. 18)**

**ENVIRONMENTAL PROTECTION**

**The Environment Act 2021 (Commencement and Saving Provision) (Scotland) Regulations 2022**

*Made* - - - - - *25th October 2022*

*Laid before the Scottish Parliament* *27th October 2022*

*Coming into force* - - - *9th November 2022*

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by sections 147(5) and 148(3) of the Environment Act 2021(a).

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Environment Act 2021 (Commencement and Saving Provision) (Scotland) Regulations 2022 and come into force on 9 November 2022.

(2) In these Regulations “the Act” means the Environment Act 2021.

**Appointed day**

2. The day appointed for the coming into force of the following provisions of the Act is 9 November 2022—

- (a) section 50 (producer responsibility obligations), so far as relating to Scotland,
- (b) section 64 (charging powers), so far as relating to the Scottish Environment Protection Agency,
- (c) schedule 4 (producer responsibility regulations), so far as relating to Scotland.

### **Saving provision**

3. Notwithstanding the coming into force of section 50(6)(a) of the Act by virtue of regulation 2(a) which repeals sections 93 to 95 of the Environment Act 1995 as regards Scotland, the Producer Responsibility Obligations (Packaging Waste) Regulations 2007<sup>(a)</sup> remain in force and have effect as if made under schedules 4 and 6 of the Act in so far as they apply to Scotland.

*RICHARD LOCHHEAD*

Authorised to sign by the Scottish Ministers

St Andrew's House,  
Edinburgh  
25th October 2022

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(a) S.I. 2007/871, as relevantly amended by S.I. 2008/1941, S.S.I. 2009/248, S.I. 2010/2849, S.S.I. 2011/226, S.S.I. 2012/360, S.I. 2012/3082, S.I. 2013/1857, S.I. 2016/241, S.I. 2016/696, S.I. 2016/738, S.I. 2019/188 and S.S.I. 2020/387.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations bring into force specified provisions of the Environment Act 2021 (“the Act”).

Regulation 2 brings into force on 9 November 2022 specified provisions of the Act. Section 50 and schedule 4 are commenced so far as they relate to Scotland and provide for the Scottish Ministers to make regulations about producer responsibility obligations and the enforcement of those regulations. Section 64 amends the Environment Act 1995 in so far as it applies to the Scottish Environment Protection Agency to supplement existing charging powers.

Regulation 3 contains a saving provision for the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 (S.I. 2007/871), which were principally made under sections 93 to 95 of the Environment Act 1995, which are repealed by section 50(6)(a) of the Act. It provides for those Regulations to remain in force in relation to Scotland despite the repeal of their enabling power, and to have effect as if made under schedules 4 and 6 of the Act.

The Bill for the Act received Royal Assent on 9 November 2021. Section 63 and Part 8 (partially) came into force on the same day. The following provisions came into force two months after the Act received Royal Assent: section 51 and schedule 5 (partially); section 52 and schedule 6 (partially); section 53 and schedule 7 (partially); section 54 and schedule 8 (partially); section 55 and schedule 9 (partially); section 56 (partially); section 58; section 66 and schedule 10; section 70; section 80; section 84; section 88; section 89 (partially); section 90; sections 92 and 93; and section 97. Section 50 and schedule 4 (so far as relating to Scotland) and section 64 (so far as relating to the Scottish Environment Protection Agency) are the only provisions of the Act which fall to the Scottish Ministers to commence (see section 147(5) of the Act).

## **NOTE AS TO EARLIER COMMENCEMENT REGULATIONS**

*(This note is not part of the Regulations)*

Certain provisions of the Act have been brought into force by commencement regulations (S.I. 2021/1274 (C. 72), S.I. 2022/48 (C. 2), S.I. 2022/518 (C. 21), S.I. 2022/988 (C. 75), S.I. 2022 No. 223 (W.71) (C.10) and S.R. 2022 No. 54 (C. 5) made before the date of these Regulations. Those previously made regulations commence provisions only in relation to other parts of the United Kingdom.

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