



# Climate Change (Scotland) Act 2009

## 2009 asp 12

### PART 5

#### OTHER CLIMATE CHANGE PROVISIONS

### CHAPTER 5

#### WASTE REDUCTION AND RECYCLING

##### *Procurement of recyclate*

#### **82 Procurement of recyclate**

- (1) The Scottish Ministers may, by regulations, require persons of the kinds specified to comply with the requirement in subsection (2).
- (2) That requirement is to ensure that things procured or constructed by or on behalf of such persons—
  - (a) comprise of; or
  - (b) include or contain a certain proportion of, recyclate.
- (3) The regulations may in particular include provision about—
  - (a) the circumstances in which the requirement applies;
  - (b) the kinds of things in relation to which the requirement applies;
  - (c) the proportion of recyclate that such things must include or contain;
  - (d) how such proportions are to be determined;
  - (e) the circumstances in which a person may apply to the Scottish Ministers to have the requirement disapplied;
  - (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 duties imposed by the regulations;

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*Status: This is the original version (as it was originally enacted).*

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- (i) offences in relation to failures to comply with requirements of the regulations.
- (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) Persons to whom the regulations apply must have regard to any guidance given by—
  - (a) the Scottish Ministers;
  - (b) the enforcement authority,to them in relation to the requirements imposed by the regulations.
- (6) In this section, “recyclate” means waste that has been recycled.