



# Climate Change (Scotland) Act 2009

## 2009 asp 12

### PART 5

#### OTHER CLIMATE CHANGE PROVISIONS

### CHAPTER 5

#### WASTE REDUCTION AND RECYCLING

##### *Waste prevention and management plans*

#### **78 Waste prevention and management plans**

- (1) The Scottish Ministers may, by regulations, require persons of the kinds specified—
  - (a) to prepare plans for the prevention, reduction, management, recycling, use and disposal of waste produced by or otherwise associated with their activities;
  - (b) to comply with those plans.
- (2) The regulations may in particular include provision about—
  - (a) the circumstances in which plans must be prepared, including when more than one plan must be prepared;
  - (b) the kinds of waste in relation to which plans must be prepared;
  - (c) the periods—
    - (i) to which plans relate;
    - (ii) within which plans must be prepared;
  - (d) the content of plans;
  - (e) subject to section 89—
    - (i) the enforcement authority in relation to the regulations; and
    - (ii) the functions of that authority, including the approval by it of plans prepared under the regulations;
  - (f) the keeping of plans and other information and their production to the enforcement authority;
  - (g) the enforcement of the duties imposed by the regulations;

---

*Status: This is the original version (as it was originally enacted).*

---

- (h) offences in relation to failures to comply with requirements of the regulations.
- (3) 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.
- (4) In this Chapter—
  - “recycling”, in relation to any waste, includes recovery and re-use (whether or not the waste is subjected to any process) (and cognate expressions are to be construed accordingly);
  - “specified” means specified in regulations (and cognate expressions are to be construed accordingly);
  - “waste” has the meaning given by section 75(2) of the Environmental Protection Act 1990 (c. 43) (the “1990 Act”).