

Circular Economy (Scotland) Bill

Equality Impact Assessment - Results

May 2022

EQUALITY IMPACT ASSESSMENT - RESULTS

Title of Policy	Circular Economy (Scotland) Bill
Summary of aims and desired outcomes of Policy	<p>In the 2021-2022 Programme for Government, the Scottish Government committed to bring forward a Circular Economy Bill, to help facilitate the development of an economy which reduces demand for raw materials, designs products to last as long as possible and encourages reuse, repair and recycling.</p> <p>This Bill is a continuation of our Circular Economy Strategy ‘Making Things Last’, published in 2016, alongside other policy work to embed the principles of a circular economy in Scotland and take action to make good use of our planet’s finite resources.</p> <p>The Bill will support progress towards the national outcomes for economy (we have a globally competitive, entrepreneurial, inclusive and sustainable economy) and environment (we value, enjoy, protect and enhance our environment).</p>
Directorate: Division: team	Environment and Forestry Directorate: Circular Economy Unit: Circular Economy Team

Executive summary

This EQIA has been carried out to identify potential impacts resulting from the introduction of a Circular Economy Bill. It has not at this time identified any positive or negative issues for protected characteristics groups from the introduction of primary legislation, but has provided an early indication of measures that will need to be considered in more detail prior to the introduction of secondary legislation.

However, given the importance of assessing the impact on each of the protected characteristics, the Scottish Government has considered the proposals against the needs of the general equality duty as set out in section 149 of the Equality Act 2010 and has considered whether the measures could constitute direct and/or indirect discrimination.

Specifically, the EQIA considers impacts on equalities groups based on the three tests it is required to address:

- Does this policy eliminate discrimination for each of the 9 protected characteristics (PCs). If not is the discrimination justifiable? Can it be mitigated?
- Does this policy advance equality of opportunity for PC groups?
- Does this policy foster good community relations between people of PC groups.

Background

The provisions within the Bill will be enabling in nature, setting out a framework that builds on existing Scottish Government policy on preventing and managing waste and promoting a circular economy, including through materials reuse and recycling. It is intended to ensure that Scottish Government has the powers necessary to move Scotland towards a circular economy.

The proposals intended for inclusion within the Circular Economy Bill cover:

Proposal 1: Duty to publish Circular Economy Strategy

Proposal 2: Statutory targets – consumption reduction, reuse and recycling

Proposal 3: Establishment of a circular economy public body

Proposal 4: Measures to ban the destruction of unsold durable goods

Proposal 5: Environmental charging for single use items

Proposal 6: Mandatory reporting of waste and surplus

Proposal 7: Strengthening the approach to household recycling collection services

Proposal 8: The role of targets to support recycling performance

Proposal 9: The Duty of Care for householders

Proposal 10: Incentivising waste reduction and recycling (households)

Proposal 11: Business recycling collection zoning

Proposal 12: New penalty for littering from vehicles

Proposal 13: Seizure of vehicles linked to waste crime

The Scope of the EQIA

A framing exercise was carried out to determine whether an EQIA was required, and to identify relevant areas for investigation.

Whilst the nature of the Bill means that it will not have a direct impact on those with protected characteristics, it is considered worthwhile to complete an EQIA for the Bill, to ensure that:

- a. The enabling powers are designed in such a way as to assist secondary legislation to avoid causing issues
- b. Potential issues are identified early, to allow further investigation prior to development of secondary legislation

The EQIA will be used to determine whether further evidence gathering or external engagement is required.

Following the public consultation, and any additional engagement or evidence gathering, this EQIA will be updated.

Further EQIAs will be carried out, as needed, when secondary legislation is being considered. This will allow for more detailed consideration of any issues, and for recommendations to be made about any amendments or mitigating measures needed.

Key Findings

No positive or negative impacts have been identified from the introduction of primary legislation as part of the Circular Economy Bill.

However, there is the potential for secondary legislation to have impacts on disabled people and potentially with regard to age and gender. These include in relation to proposals for environmental charging, the development of measures to improve recycling from households and proposals relating to littering. These should be considered during the design of proposals for secondary legislation.

Recommendations and Conclusion

On present evidence, we do not believe that this policy is directly or indirectly discriminatory. This EQIA will be updated following the public consultation, to reflect any new evidence, and will be supplemented by additional EQIAs carried out during the development of proposals for secondary legislation.

In particular, more detailed EQIAs would be beneficial for:

- The proposals relating to littering
- The proposals relating to changes to household recycling and waste collections
- The introduction of charges for environmentally harmful items



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