



Law Society  
of Scotland

# Consultation response

## Plastic waste inquiry

September 2021



## Introduction

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The Law Society of Scotland is the professional body for over 12,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

Our Environmental Law Sub-committee welcomes the opportunity to respond to the House of Commons' Environment, Food and Rural Affairs Committee inquiry on *Plastic Waste*<sup>1</sup>. We have the following comments to put forward for consideration.

## General comments

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We have previously responded to a number of consultations concerning plastic and waste, including in relation to: Reforming the UK packaging producer responsibility system<sup>2</sup>, the Deposit Return Scheme for Scotland<sup>3</sup> Scotland's circular economy<sup>4</sup>, plastic packaging tax<sup>5</sup>, electronic waste and the circular economy<sup>6</sup>, and restrictions on single use plastics<sup>7</sup>.

We note the importance of considering environmental laws and policies in an integrated fashion, recognising the interaction between matters such as the circular economy proposals, deposit and return schemes, the UK-wide extended producer responsibility (EPR) regime, and plastic packaging tax. It is crucial that proposals and measures in relation to the management of plastic waste dovetail with other aspects of the developing environmental programme both in Scotland and in the wider UK landscape. We also note the potential interaction with the provisions of the United Kingdom Internal Market Act 2020.

<sup>1</sup> <https://committees.parliament.uk/work/1391/>

<sup>2</sup> <https://www.lawscot.org.uk/media/362648/190513-19-05-13-env-consultation-packaging-waste.pdf>

<sup>3</sup> <https://www.lawscot.org.uk/media/363953/19-10-15-env-written-evidence-ecclr-drs-draft-regulations-web-format.pdf> and <https://www.lawscot.org.uk/media/368038/19-12-10-env-consultation-sg-drs-draft-regulations.pdf>

<sup>4</sup> <https://www.lawscot.org.uk/media/368103/19-12-19-env-consultation-circular-economy-proposals.pdf>

<sup>5</sup> <https://www.lawscot.org.uk/media/362630/19-05-12-env-consultation-plastic-packaging-tax.pdf> and <https://www.lawscot.org.uk/media/369308/20-08-20-tax-env-plastic-packaging-tax-policy-design.pdf>

<sup>6</sup> <https://www.lawscot.org.uk/media/369051/20-04-30-env-electronic-waste-and-the-circular-economy-inquiry.pdf>

<sup>7</sup> <https://www.lawscot.org.uk/media/370303/21-01-04-env-market-restriction-on-single-use-plastic-items.pdf> and

<https://www.lawscot.org.uk/media/370851/21-04-13-env-crim-draft-environmental-protection-single-use-plastic-products-regulations.pdf>



A number of the measures in relation to the management and reduction of plastic waste may be considered transitional measures to deal with immediate issues of littering and plastic use. It is important that a focus remains on the overall concept of developing a strong circular economy.

Consideration is also required as to how far aspects of waste and the circular economy are reserved or devolved, and the extent to which consistency is sought between the UK Government and the devolved administrations. This is principally a political matter, but the establishment of commonly agreed frameworks may be merited with a view to reducing the possibility of environmental regulatory tourism.

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