
STATUTORY INSTRUMENTS

2007 No. 871

The Producer Responsibility Obligations (Packaging Waste) Regulations 2007

PART III

REGISTRATION: PRODUCERS AND SCHEMES

Producer registration obligation

6. Subject to regulations 37 and 39 and Schedules 8 and 10, a producer shall be registered with the appropriate Agency in respect of a relevant year, or any part of that year, during which he is not a member of a registered scheme.

Application for producer registration

7.—(1) Subject to paragraph (3) below, a producer who is required by regulation 6 to be registered shall, on or before 7th April in a relevant year, make an application for producer registration to the appropriate Agency.

(2) Where the producer is a partnership, the application shall be made by any partner acting on behalf of the partnership.

(3) Where any of the following occurs in a relevant year—

- (a) the application for registration of a scheme of which the applicant was a member is refused;
- (b) the registration of a scheme of which the applicant was a member is cancelled;
- (c) the applicant's membership of a scheme is discontinued;
- (d) the applicant becomes a producer in respect of that year; or
- (e) an application to register made within the time limit in paragraph (1) above is refused,

an application for registration shall be made within 28 days of the occurrence.

(4) An application for producer registration shall—

- (a) be made in writing;
- (b) contain the information set out in Part I of Schedule 3;

[^{F1}(c) be accompanied by the following further information, on a form supplied for that purpose by the appropriate Agency and signed by the approved person, in relation to the relevant year—

- (i) each class of producer to which the applicant belongs;
- (ii) if they belong to more than one class of producer, which of those classes constitutes their main activity as a producer; and
- (iii) the relevant SIC code for the class of producer to which the applicant belongs or, as the case may be, for the applicant's main activity;

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(ca) other than in the case of a small producer who has elected to follow the allocation method under sub-paragraph (d) and, subject to paragraph (9), be accompanied by the following further information, on a form supplied for that purpose by the appropriate Agency and signed by the approved person, in relation to the relevant year—

(i) in relation to each class of producer—

(aa) the amount of packaging waste which they are required to [^{F2}recycle] by virtue of paragraph 3(1) of Schedule 2 ^{F3}...;

(bb) the amount of packaging waste which they are required to recycle for each kind of recyclable material by virtue of paragraph 3(3) of Schedule 2;

(ii) the basis on which the amounts referred to in paragraph (i) were calculated; and

(iii) such other information, which is specified on the form, as the appropriate Agency reasonably requires in order to determine the application;]

(d) in the case of a small producer state whether he elects to follow the allocation method, and, if he does, be accompanied by evidence as to his turnover;

^{F4}(e)

^{F5}(f)

(5) A small producer who has elected under paragraph (4)(d) above to follow the allocation method shall follow this method for a minimum of the year of registration and the following two years.

(6) An application for producer registration shall be granted where—

(a) the producer has complied with—

[^{F6}(i) paragraphs (4)(a) and (b) and (11);]

(ii) where applicable, paragraphs (4)(c), [^{F7}(ca),] (d), (f) and (5) above; and

(b) the appropriate Agency is satisfied that the further information provided in accordance with paragraph (4)(c) [^{F8}or (ca)] above, or (9) below, has been provided in accordance with paragraph (8) below,

and shall otherwise be refused.

(7) Where an application for producer registration is granted—

(a) the appropriate Agency shall, within 28 days of it being granted confirm to the producer in writing that he is registered with it; and

(b) the producer shall be treated as having been registered—

(i) where the application was made within the time limit specified in paragraph (1), from the beginning of the relevant year;

(ii) where the application was made within the time limit specified in paragraph (3), from the date of the relevant occurrence;

(iii) in any other case, from the date specified in the confirmation,

until any cancellation of the producer’s registration in accordance with regulation 11.

(8) Any information provided shall be as accurate as reasonably possible.

(9) Where the application to register is made in one of the circumstances set out in sub-paragraph (a), (b), (d) or (e) of paragraph (3) above, the further information referred to in paragraph (4)(c) [^{F9}or (ca)] above need not accompany the application but shall be provided within 28 days of the application being made.

^{F10}(10)

[^{F11}(11) A producer making an application for registration shall pay the fee required in regulation 9 to the appropriate Agency on or before the relevant date.]

Textual Amendments

- F1** Reg. 7(4)(c)(ca) substituted for reg. 7(4)(c) (26.11.2010) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2010 (S.I. 2010/2849), regs. 1(b), **5(a)(i)**
- F2** Word in reg. 7(4)(ca)(i)(aa) substituted (S.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) Amendment (Scotland) Regulations 2020 (S.S.I. 2020/387), regs. 1(1), **2(5)(a)**; (E.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (England) Regulations 2020 (S.I. 2020/1336), regs. 1(1), **2(5)(a)**; and (W.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2020 (S.I. 2020/1390), regs. 1(1), **2(5)(a)**
- F3** Words in reg. 7(4)(ca)(i)(aa) omitted (S.) (1.1.2021) by virtue of The Producer Responsibility Obligations (Packaging Waste) Amendment (Scotland) Regulations 2020 (S.S.I. 2020/387), regs. 1(1), **2(5)(b)**; (E.) (1.1.2021) by virtue of The Producer Responsibility Obligations (Packaging Waste) (Amendment) (England) Regulations 2020 (S.I. 2020/1336), regs. 1(1), **2(5)(b)**; and (W.) (1.1.2021) by virtue of The Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2020 (S.I. 2020/1390), regs. 1(1), **2(5)(b)**
- F4** Reg. 7(4)(e) omitted (26.11.2010) by virtue of The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2010 (S.I. 2010/2849), regs. 1(b), **5(a)(ii)**
- F5** Reg. 7(4)(f) omitted (24.2.2016) by virtue of The Producer Responsibility Obligations (Packaging Waste) (Miscellaneous Amendments) Regulations 2016 (S.I. 2016/241), regs. 1(b), **4**
- F6** Reg. 7(6)(a)(i) substituted (26.11.2010) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2010 (S.I. 2010/2849), regs. 1(b), **5(b)(i)**
- F7** Word in reg. 7(6)(a)(ii) inserted (26.11.2010) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2010 (S.I. 2010/2849), regs. 1(b), **5(b)(ii)**
- F8** Words in reg. 7(6)(b) inserted (26.11.2010) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2010 (S.I. 2010/2849), regs. 1(b), **5(b)(iii)**
- F9** Words in reg. 7(9) inserted (26.11.2010) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2010 (S.I. 2010/2849), regs. 1(b), **5(c)**
- F10** Reg. 7(10) omitted (24.2.2016) by virtue of The Producer Responsibility Obligations (Packaging Waste) (Miscellaneous Amendments) Regulations 2016 (S.I. 2016/241), regs. 1(b), **4**
- F11** Reg. 7(11) inserted (26.11.2010) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2010 (S.I. 2010/2849), regs. 1(b), **5(d)**

Conditions of registration of a producer

- 8.** Registration of a producer shall be subject to the conditions that the producer will—
- (a) comply with his obligations set out in regulation 4(4);
 - (b) provide any information reasonably requested by the appropriate Agency with regard to the obligations referred to in paragraph (a) above;
 - (c) inform the appropriate Agency of—
 - (i) any change in the circumstances of the producer which relate to the registration of the producer and, where the producer is a partnership, any change of partners;
 - (ii) any material change in the information provided in accordance with regulation 7(4)(b); and
 - (iii) any material change in the further information provided in accordance with regulation 7(4)(c), [^{F12}or (ca),] or 7(9), as the case may be,
 within 28 days of the occurrence of any such change;

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- (d) provide records and returns to the appropriate Agency as required by regulation 20; [F13and]
- (e) notify the appropriate Agency that he wishes to cancel his registration where he has become a member of a registered scheme or has ceased to be a producer in respect of a year;
- F14(f)
- F14(g)

Textual Amendments

F12 Words in reg. 8(c)(iii) inserted (26.11.2010) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations 2010 \(S.I. 2010/2849\)](#), regs. 1(b), **6**

F13 Word in reg. 8 inserted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **5(a)**

F14 Reg. 8(f)(g) omitted (24.2.2016) by virtue of [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **5(b)**

Forms and fees for producer registration

9.—(1) The appropriate Agency shall provide the form referred to in regulation 7(4)(c) [F15or (ca)] free of charge to any person requesting one.

(2) Subject to paragraphs (3) and (4) below, the fee which is to be charged by the appropriate Agency on an application for producer registration shall be—

- (a) where the producer is a small producer who has elected to follow the allocation method, £562; or
- (b) in all other cases, £776.

(3) In the case of an application where the fee in paragraph (2) above is to be treated as a fee for group registration by virtue of paragraph 5(b)(iii) of Schedule 8, in respect of each subsidiary included within that application that is not a small producer who has elected to follow the allocation method, the appropriate Agency shall charge an additional fee of—

- (a) £180 for each of the first 4 subsidiaries;
- (b) £90 for each of the 5th to the 20th subsidiaries inclusive; and
- (c) £45 for each of the 21st and subsequent subsidiaries.

(4) On each resubmission of an application which is required by reason of the producer having failed to meet the requirements of regulation 7(4) or (9) on his previous submission, the appropriate Agency shall charge an additional fee of £220.

Textual Amendments

F15 Words in reg. 9(1) inserted (26.11.2010) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations 2010 \(S.I. 2010/2849\)](#), regs. 1(b), **7**

Refusal to register producers

10. Any decision of the appropriate Agency under regulation 7(6) to refuse to register a producer shall be notified within 28 days of the decision to the producer in writing together with the reasons for the decision, a statement as to the right of appeal under Part VI of these Regulations and a statement as to the offence specified in regulation 40(1)(a).

Cancellation of registration of producers

11.—(1) The appropriate Agency may cancel the registration with it of a producer where it appears to the appropriate Agency that—

- (a) the producer is in breach of any of the conditions specified in regulation 8; or
- (b) the producer knowingly or recklessly supplied false information in connection with his application for registration, or with compliance with any of the conditions specified in regulation 8.

(2) The appropriate Agency shall cancel the registration with it of a producer where it is notified that the producer has become a member of a registered scheme or has otherwise ceased to be subject to the producer registration obligation in respect of a year.

(3) Before cancellation of a registration under paragraphs (1) or (2) above, the appropriate Agency shall serve on the producer concerned written notice of—

- (a) its decision to cancel;
- (b) the reasons for the decision;
- (c) the date when cancellation will take effect, not being earlier than—
 - (i) in the case of cancellation under paragraph (1) above, the expiration of the time limit for an appeal against the notice provided for in paragraph 2 of Schedule 6;
 - (ii) in the case of cancellation under paragraph (2) above, 5 days from the date of the notice;
- (d) the right of appeal under Part VI of these Regulations; and
- (e) where cancellation is under paragraph (1), a statement as to the offence specified in regulation 40(1)(a).

Schemes: general provisions

12.—(1) The operator of a scheme shall carry out the [^{F16}recycling obligations] and where applicable, consumer information obligations, that every producer who is a member of the scheme that he operates would have had, but for their membership of that scheme.

[^{F17}(2) The operator of a scheme shall inform the members in writing immediately if—

- (a) the operator receives a notice of withdrawal of the scheme's approval under regulation 13C(3); or
- (b) the scheme is approved pursuant to regulation 13(4).]

[^{F17}(2A) The operator shall provide a copy of the notice of withdrawal of the scheme's approval with the written notice provided pursuant to paragraph (2).]

(3) The operator of a scheme may only demonstrate compliance with his [^{F16}recycling obligations] through the acquisition of PRNs or PERNs or both.

(4) A PRN or PERN that relates to packaging waste delivered or exported for reprocessing in December in a year may be relied on by the operator of a scheme to demonstrate compliance with his [^{F16}recycling obligations] either in that year or the following year.

Textual Amendments

F16 Words in Regulations substituted (S.) (1.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) Amendment \(Scotland\) Regulations 2020 \(S.S.I. 2020/387\)](#), **reg. 2(2)**; (E.) (1.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) \(England\)](#)

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Regulations 2020 (S.I. 2020/1336), **reg. 2(2)**; and (W.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2020 (S.I. 2020/1390), **reg. 2(2)**
F17 Reg. 12(2)(2A) substituted for reg. 12(2) (24.2.2016) by The Producer Responsibility Obligations (Packaging Waste) (Miscellaneous Amendments) Regulations 2016 (S.I. 2016/241), regs. 1(b), **6**

Application for approval of a scheme

13.—(1) An application for approval of a scheme by the appropriate [^{F18}Agency] shall be made in writing by the operator of the scheme and shall—

- (a) contain the following information—
 - (i) the name and address of the person who proposes to operate the scheme; and
 - (ii) information which demonstrates that—
 - (aa) the scheme is likely to subsist for a period of at least 5 years; and
 - (bb) the operator of the scheme is likely to be able to meet its expected [^{F16}recycling obligations] for that period; and
- (b) be accompanied by the following documentation—
 - (i) a copy of the constitution of the scheme;
 - (ii) a copy of the rules with which a member of the scheme is obliged to comply; and
 - (iii) a copy of the procedures under which the operator of the scheme would enforce the rules against a member of the scheme.

(2) Subject to paragraphs (3) and (4), an application for approval of a scheme shall within 28 days of receipt of the application be granted [^{F19}where the appropriate Agency] is satisfied that—

- (a) the scheme is likely to subsist for a period of at least 5 years;
- (b) the operator of the scheme is likely to be able to meet its expected [^{F16}recycling obligations] for that period,

and otherwise be refused.

[^{F20}(2A) Where an application for approval is granted, the appropriate Agency shall notify the operator of the scheme in writing of its decision within 28 days of making that decision.]

(3) A further application for approval in accordance with paragraph (1) shall be made on the occurrence of—

- (a) a change in the person who is the operator of the scheme;
- (b) a conviction of the operator of the scheme for an offence under these Regulations;
- (c) the operator of the scheme notifying the appropriate [^{F21}Agency] under regulation 22(4) that he did not comply with the requirements of regulation 12(1) for the previous year of registration; or
- (d) a failure by the operator of the scheme to comply, where applicable, with the additional conditions set out [^{F22}in regulation 13A(2)],

within 28 days of the occurrence of an event mentioned in sub-paragraph (a), (b) or (d) above or within 14 days of the occurrence of the event mentioned in sub-paragraph (c) above.

(4) Where the operator of the scheme has notified the appropriate [^{F23}Agency] under regulation 22(4) that he did not comply with the requirements of regulation 12(1) the appropriate [^{F23}Agency] may, whether or not it is not satisfied as to the matters set out in paragraph (2) above, grant approval subject to the additional conditions set out in [^{F24}regulation 13A(2)].

[^{F25}(5) Where the conditions in paragraph (7) are met, an operator may elect to make an application for approval by DOENI under paragraph (1).]

[^{F25}(6) Where an operator so elects—

- (a) functions of the appropriate Agency in relation to the application under this regulation shall be carried out by DOENI on behalf of the appropriate Agency; and
- (b) until the application has been determined, the operator may not make an application to the appropriate Agency under paragraph (1) in relation to the same or substantially the same scheme.]

[^{F25}(7) The conditions are—

- (a) the operator's registered office or principal place of business is in Northern Ireland; and
- (b) the operator proposes to apply to DOENI in relation to the same year for approval of the scheme under regulation 13(1) of PRONIR.]

[^{F25}(8) For the purposes of these Regulations, an act of DOENI performing the functions of the appropriate Agency pursuant to paragraph (6)(a) is to be treated as an act of the appropriate Agency.]

Textual Amendments

- F16** Words in Regulations substituted (S.) (1.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) Amendment \(Scotland\) Regulations 2020 \(S.S.I. 2020/387\)](#), **reg. 2(2)**; (E.) (1.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) \(England\) Regulations 2020 \(S.I. 2020/1336\)](#), **reg. 2(2)**; and (W.) (1.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) \(Wales\) Regulations 2020 \(S.I. 2020/1390\)](#), **reg. 2(2)**
- F18** Word in reg. 13(1) substituted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **7(a)** (with reg. 23(1)(3))
- F19** Words in reg. 13(2) substituted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **7(b)** (with reg. 23(1)(3))
- F20** Reg. 13(2A) inserted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **7(c)** (with reg. 23(1)(3))
- F21** Word in reg. 13(3)(c) substituted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **7(d)(i)**
- F22** Words in reg. 13(3)(d) substituted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **7(d)(ii)**
- F23** Word in reg. 13(4) substituted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **7(e)(i)**
- F24** Words in reg. 13(4) substituted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **7(e)(ii)**
- F25** Reg. 13(5)-(8) substituted for reg. 13(5)-(10) (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **7(f)**

[^{F26}Conditions of approval of a scheme

13A.—(1) Approval of a scheme under regulation 13 is subject to the following conditions—

- (a) the operator of the scheme complies with the obligations set out in regulation 12(1);
- (b) the operator of the scheme monitors the accuracy of information to which regulation 19 applies, so that the operator may reasonably discover when a scheme member has not complied with regulation 19(2)(c);

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- (c) the operator of the scheme acquires PRNs or PERNs in a manner which least hinders the ability of any other operator to acquire PRNs or PERNs pursuant to regulation 12(3);
 - (d) the operator of the scheme maintains sufficient financial resources to acquire PRNs or PERNS pursuant to regulation 12(3);
 - (e) the operator of the scheme maintains access to, and sufficient financial resources to pay for, the expertise necessary for the purposes of calculating the [^{F16}recycling obligations] referred to in regulation 12(1);
 - (f) the operator of the scheme provides any information reasonably requested by the appropriate Agency for the purposes of monitoring compliance pursuant to regulation 31(1)(b) or (c);
 - (g) in relation to any year in which the scheme is registered under regulation 14—
 - (i) the operator of the scheme informs the appropriate Agency in writing of—
 - (aa) any change in the person who is the operator of the scheme and, in the case where the operator of the scheme is a partnership, or where there is more than one operator of a scheme, any change of partners or operators;
 - (bb) any material change in the information provided in accordance with regulation 14(3)(b);
 - (cc) any material change in the further information provided in accordance with regulation 14(3)(c); and
 - (dd) any change in the operator stated under regulation 14(3)(h), within 28 days of the occurrence of any such change; and
 - (ii) the operator of the scheme complies with the requirement set out in regulation 15A; and
 - (h) the operator of the scheme provides records and returns to the appropriate Agency as required by regulation 22.
- (2) Approval of a scheme pursuant to regulation 13(4) is subject to the following additional conditions in relation to any year in which the scheme is registered under regulation 14—
- (a) the operator of the scheme complies with 50% of the total [^{F16}recycling obligations] of the scheme before 30th June;
 - (b) the operator of the scheme complies with a further 50% of the remaining [^{F16}recycling obligations] before 30th September;
 - (c) the operator of the scheme makes returns to the appropriate Agency of information demonstrating compliance with the conditions set out at sub-paragraphs (a) and (b) on or before 15th July and 15th October respectively;
 - (d) the operator pays the fee under regulation 16(3) to the appropriate Agency; and
 - (e) the operator of the scheme does not accept any new members into the scheme.
- (3) The additional conditions set out in paragraph (2) cease to apply at the beginning of the year following the approval year if the appropriate Agency is satisfied that in the approval year the operator complied with—
- (a) the obligations under regulation 12(1); and
 - (b) the additional conditions set out in paragraph (2).
- (4) If the additional conditions set out in paragraph (2) cease to apply by virtue of paragraph (3), the appropriate Agency shall serve written notice of the cessation within 28 days of the date on which the appropriate Agency is satisfied in accordance with paragraph (3).

(5) In paragraph (3), “approval year” means the year for which approval was granted pursuant to regulation 13(4).]

Textual Amendments

- F16** Words in Regulations substituted (S.) (1.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) Amendment \(Scotland\) Regulations 2020 \(S.S.I. 2020/387\)](#), **reg. 2(2)**; (E.) (1.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) \(England\) Regulations 2020 \(S.I. 2020/1336\)](#), **reg. 2(2)**; and (W.) (1.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) \(Wales\) Regulations 2020 \(S.I. 2020/1390\)](#), **reg. 2(2)**
- F26** Regs. 13A-13C inserted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **8** (with reg. 23(2)(3))

[^{F26}Refusal to grant approval of a scheme

13B. Where the appropriate Agency decides under regulation 13 to refuse to grant approval of a scheme, it shall serve on the operator of the scheme, within 28 days of making the decision, written notice of—

- (a) the decision under regulation 13;
- (b) the reasons for the decision; and
- (c) the right of appeal under regulation 27(2)(a).]

Textual Amendments

- F26** Regs. 13A-13C inserted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **8** (with reg. 23(2)(3))

[^{F26}Withdrawal of approval of a scheme

13C.—(1) The appropriate Agency may withdraw approval of a scheme where it appears to it that—

- (a) the operator of the scheme is in breach of any of the conditions referred to in regulation 13A(1) or (2); or
- (b) the operator knowingly or recklessly supplied false information in connection with the application for registration, or in connection with compliance with the conditions referred to in regulation 13A(1) or (2).

(2) The appropriate Agency shall cancel any registration of a scheme under regulation 14 if it withdraws approval of the scheme and such cancellation shall take effect on the date on which the withdrawal of approval takes effect.

(3) Before the withdrawal of approval, the appropriate Agency shall serve on the operator of the scheme written notice of—

- (a) its decision under paragraph (1) to withdraw approval;
- (b) the reasons for the decision;
- (c) the right of appeal under regulation 27(2)(b) and (c); and
- (d) the date on which the withdrawal takes effect, not being earlier than the expiration of the time-limit for an appeal against the notice provided for in paragraph 2 of Schedule 6.

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(4) Where an application under regulation 13(3)(a) or (b) is not received by the due date, the appropriate Agency may decide to withdraw approval of the scheme and, if such a decision is taken, shall serve on the operator of the scheme written notice of—

- (a) the decision to withdraw approval of the scheme;
- (b) the reasons for the decision; and
- (c) the date on which the withdrawal takes effect, not being earlier than 28 days from the date of the notice.

(5) Where an application under regulation 13(3)(c) or (d) is not received by the due date, the appropriate Agency shall serve written notice on the operator of the withdrawal of approval of the scheme, which shall take effect from the date of the notice.

(6) The appropriate Agency shall consider any representations made by the operator of a scheme before the notice under paragraph (4) takes effect, and may withdraw the notice under paragraph (4) at any time.

(7) An operator of a scheme in relation to which approval is withdrawn under this regulation shall, within 14 days of the withdrawal taking effect, serve on each scheme member written notice containing the following information—

- (a) a statement that approval of the scheme has been withdrawn and the date when the withdrawal takes effect;
- (b) the reasons for the withdrawal; and
- (c) the obligation of a producer under regulation 6.]

Textual Amendments

F26 Regs. 13A-13C inserted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **8** (with reg. 23(2)(3))

Application for registration of a scheme

14.—(1) An application for registration of a scheme in relation to a year shall be made by the operator of the scheme, on or before [^{F27}15th April] in that year, to the appropriate Agency.

(2) Where the operator of the scheme is a partnership the application for registration shall be made by any partner acting on behalf of the partnership.

(3) An application for registration of a scheme shall—

- (a) be made in writing;
- (b) contain the information set out in Part II of Schedule 3;
- (c) ^{F28}... be accompanied by the following further information, on a form supplied for that purpose by the appropriate Agency [^{F29}and signed in accordance with the requirement in paragraph (3A)], in relation to the relevant year—
 - (i) each producer who is a member of the scheme [^{F30}and each class of producer to which each producer belongs];
 - (ii) if any producer belongs to more than one class of producer, which of those classes constitutes his main activity as a producer;
 - (iii) the relevant SIC code for the activity or, as the case may be, the main activity of each class of producer in the scheme;

- (iv) in relation to each producer the information referred to in [^{F31}paragraph (4)(ca)(i) and (ii)] of regulation 7;
 - (v) in relation to members who are small producers who have elected to follow the allocation method, the aggregate amount of packaging waste which is required to be recycled by virtue of paragraphs 2, 7 and 8 of Schedule 2 by those members;
 - (vi) a statement of the turnover of each small producer who is a member of the scheme; and
 - (vii) such other information as the appropriate Agency reasonably requires in order to determine the application and as is specified on the form;
- (d) be accompanied by a statement as provided in Part III of Schedule 3;
- (e) [^{F32}except where a scheme is registered in respect of the previous year,] be accompanied by evidence that the scheme has been approved by the appropriate [^{F33}Agency]; but, subject to paragraph (4)(d) below, where the scheme has yet to be approved, such evidence shall be supplied to the appropriate Agency as soon as possible after receipt;
- ^{F34}(f)
- (g) be accompanied by a fee calculated under regulation 16; and
- (h) where there is more than one operator of the scheme, be accompanied by a statement signed by all of the operators of the scheme as to which operator is able to accept notices and act on behalf of all the operators of the scheme.
- [^{F35}(3A) The requirement mentioned in paragraph (3)(c) is that the form be signed by—
- (a) the approved person; or
 - (b) in the case of a scheme that has not already been registered, anyone who is eligible to be an approved person under regulation 34(2).]
- (4) An application for registration shall be granted where—
- (a) the operator has complied with paragraphs (3)(a), (b), (d), ^{F36}... (g) and (h) above;
 - (b) the appropriate Agency is satisfied that the information provided in accordance with paragraph (3)(c) above has been provided in accordance with paragraph (7) below;
- ^{F37}(c)
- [^{F38}(d) the scheme has been approved by the appropriate [^{F39}Agency]; and
- (e) the scheme was either registered in the previous year or the scheme was approved by the appropriate [^{F39}Agency] no earlier than in the year previous to that in which the application for registration is made,]
- and shall otherwise be refused.
- (5) Where an application for registration of a scheme is granted—
- (a) the appropriate Agency shall, within 28 days of its decision, notify the operator of the scheme in writing of its decision; and
 - (b) the scheme shall be treated as registered from the beginning of the year in relation to which the application is made until any cancellation of the scheme's registration in accordance with [^{F40}regulation 13C(2)].
- ^{F41}(6)
- (7) Any information provided shall be as accurate as reasonably possible.
- [^{F42}(8) Where an application for registration is refused on the grounds of failure to meet the requirements of paragraph (4)(e), the operator must make a new application for approval of the

scheme in accordance with regulation 13 before making an application for registration of the scheme under this regulation.]

[^{F43}(9) Where the conditions in paragraph (11) are met, an operator may elect to make an application to DOENI for registration under paragraph (1).]

[^{F43}(10) Where an operator so elects—

- (a) functions of the appropriate Agency in relation to the application under this regulation and under regulations 16, 17 and 19(2)(a) shall be carried out by DOENI acting on behalf of the appropriate Agency; and
- (b) until such time as the application has been determined, the operator may not make an application to the appropriate Agency under paragraph (1) in relation to the same or substantially the same scheme.]

[^{F43}(11) The conditions are—

- (a) the operator's registered office or principal place of business is in Northern Ireland; and
- (b) the operator proposes to apply to DOENI in relation to the same year for registration of the scheme under regulation 14(1) of PRONIR.]

[^{F43}(12) For the purposes of these Regulations, an act of DOENI performing the functions of the appropriate Agency pursuant to paragraph (10)(a) is to be treated as an act of that Agency.]

Textual Amendments

- F27** Words in reg. 14(1) substituted (26.11.2010) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations 2010 \(S.I. 2010/2849\)](#), regs. 1(b), **9(a)**
- F28** Words in reg. 14(3)(c) omitted (26.11.2010) by virtue of [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations 2010 \(S.I. 2010/2849\)](#), regs. 1(b), **9(b)(i)**
- F29** Words in reg. 14(3)(c) inserted (26.11.2010) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations 2010 \(S.I. 2010/2849\)](#), regs. 1(b), **9(b)(ii)**
- F30** Words in reg. 14(3)(c)(i) added (26.11.2010) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations 2010 \(S.I. 2010/2849\)](#), regs. 1(b), **9(b)(iii)**
- F31** Words in reg. 14(3)(c)(iv) substituted (26.11.2010) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations 2010 \(S.I. 2010/2849\)](#), regs. 1(b), **9(b)(iv)**
- F32** Words in reg. 14(3)(e) inserted (26.11.2010) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations 2010 \(S.I. 2010/2849\)](#), regs. 1(b), **9(c)**
- F33** Word in reg. 14(3)(e) substituted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **9(a)(i)**
- F34** Reg. 14(3)(f) omitted (24.2.2016) by virtue of [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **9(a)(ii)**
- F35** Reg. 14(3A) inserted (26.11.2010) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations 2010 \(S.I. 2010/2849\)](#), regs. 1(b), **9(e)**
- F36** Word in reg. 14(4)(a) omitted (24.2.2016) by virtue of [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **9(b)(i)**
- F37** Reg. 14(4)(c) omitted (24.2.2016) by virtue of [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **9(b)(ii)**
- F38** Reg. 14(4)(c)-(e) substituted for reg. 14(4)(c)(d) (26.11.2010) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations 2010 \(S.I. 2010/2849\)](#), regs. 1(b), **9(f)**
- F39** Word in reg. 14(4)(d)(e) substituted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **9(b)(iii)**
- F40** Words in reg. 14(5)(b) substituted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **9(c)**

- F41** Reg. 14(6) omitted (26.11.2010) by virtue of [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations 2010 \(S.I. 2010/2849\)](#), regs. 1(b), **9(g)**
- F42** Reg. 14(8) inserted (26.11.2010) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations 2010 \(S.I. 2010/2849\)](#), regs. 1(b), **9(h)**
- F43** Reg. 14(8)-(12) inserted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **9(d)**

Conditions of registration of a scheme

^{F44}15.

Textual Amendments

- F44** Reg. 15 omitted (24.2.2016) by virtue of [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **10(1)**

[^{F45}Notification of change of membership

15A. In relation to the year in which registration is granted, the operator of the scheme shall notify the appropriate Agency in writing at intervals as required by the appropriate Agency of any change in the membership of the scheme and any such notification shall be accompanied by the additional fee calculated in accordance with regulation 16(6).]

Textual Amendments

- F45** Reg. 15A inserted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **10(2)**

Forms and fees for registration of a scheme

16.—(1) The appropriate Agency shall provide the form referred to in regulation 14(3)(c) free of charge to any person requesting one.

(2) Subject to paragraphs (3), (4), (5) and (6) below, the fee which is to be charged by the appropriate Agency on an application for registration of a scheme shall be—

- (a) £345 for each small producer who has elected to follow the allocation method and who is on the date of the application a member of the scheme; and
- (b) £564 for each producer who is not a small producer who has elected to follow the allocation method and is on the date of the application a member of the scheme.

(3) In the case of a scheme that has been granted [^{F46}approval pursuant to] regulation 13(4) the fee to be charged by the appropriate Agency in addition to the fee in paragraph (2) above is—

- (a) £1,540 where the operator of the scheme has an obligation to [^{F47}recycle] up to and including 24,999 tonnes of packaging waste;
- (b) £2,310 where the operator of the scheme has an obligation to [^{F47}recycle] between 25,000 and 249,999 tonnes of packaging waste; or
- (c) £3,080 where the operator of the scheme has an obligation to [^{F47}recycle] over 250,000 tonnes of packaging waste.

(4) In the case of a group of companies that is on the date of the application a member of a scheme the fee to be charged by the appropriate Agency for that member is—

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Changes to legislation: There are currently no known outstanding effects for the The Producer Responsibility Obligations (Packaging Waste) Regulations 2007, PART III. (See end of Document for details)

- (a) £345 where the holding company is a small producer who has elected to follow the allocation method and the group of companies had an aggregate turnover of £5,000,000 or less in the previous year; or
- (b) £564 where—
 - (i) the holding company is not a small producer who has elected to follow the allocation method; or
 - (ii) the holding company is a small producer who has elected to follow the allocation method and the group of companies had an aggregate turnover of more than £5,000,000 in the previous year;

and, in addition to the fee payable under sub-paragraph (a) or (b), in respect of each subsidiary included within that application who is not a small producer who has elected to follow the allocation method, the appropriate Agency shall charge a fee of—

- (i) £180 for each of the first 4 subsidiaries;
- (ii) £90 for each of the 5th to 20th subsidiaries inclusive; and
- (iii) £45 for each of the 21st and subsequent subsidiaries.

(5) In the case where an application is required to be resubmitted as a result of a failure to meet the requirements of regulation 14(3)(c) or 14(6), the fee to be charged by the appropriate Agency in addition to any fee payable under this regulation is £220 for each member of that scheme in respect of whom the information resubmitted was different from that contained in the original application.

(6) The additional fee which is to be paid by an operator of a scheme in compliance with the [F48 obligation set out] in regulation 15 is calculated as follows—

$$(A \times B) + (C \times D) = AF$$

where—

“A” is the number of new members of the scheme which are the subject of the notification who are not small producers who have elected to follow the allocation method;

“B” is the fee set out at sub-paragraph (2)(b) above plus the sum of £110;

“C” is the number of new members of the scheme which are the subject of the notification who are small producers who have elected to follow the allocation method ;

“D” is the fee set out at sub-paragraph (2)(a) above plus the sum of £110; and

“AF” is the additional fee.

Textual Amendments

- F46** Words in [reg. 16\(3\)](#) substituted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **11(a)**
- F47** Word in [reg. 16\(3\)](#) substituted (S.) (1.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) Amendment \(Scotland\) Regulations 2020 \(S.S.I. 2020/387\)](#), regs. 1(1), **2(6)**; (E.) (1.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) \(England\) Regulations 2020 \(S.I. 2020/1336\)](#), regs. 1(1), **2(6)**; and (W.) (1.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) \(Wales\) Regulations 2020 \(S.I. 2020/1390\)](#), regs. 1(1), **2(6)**
- F48** Words in [reg. 16\(6\)](#) substituted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **11(b)**

Refusal to register a scheme

17. Any decision of the appropriate Agency under regulation 14 to refuse to register a scheme shall be notified, within 28 days of the decision, to the operator of the scheme in writing together with—

- (a) the reasons for the decision;
- (b) a statement as to the right of appeal under [^{F49}regulation 27(2)(d)]; and
- (c) a statement as to the offence specified in regulation 40(1)(a).

Textual Amendments

F49 Words in reg. 17(b) substituted (24.2.2016) by The Producer Responsibility Obligations (Packaging Waste) (Miscellaneous Amendments) Regulations 2016 (S.I. 2016/241), regs. 1(b), 12

Cancellation of registration of a scheme

^{F50}18.

Textual Amendments

F50 Reg. 18 omitted (24.2.2016) by virtue of The Producer Responsibility Obligations (Packaging Waste) (Miscellaneous Amendments) Regulations 2016 (S.I. 2016/241), regs. 1(b), 13

Information provided to scheme operators

- 19.—(1) This regulation applies to information which—
- (a) is provided to the operator of a scheme by a producer who is a member of that scheme at the time the information is provided; and
 - (b) is information which the operator of the scheme will need to rely upon for the purposes of his application for registration of a scheme under regulation 14.
- (2) A producer who provides to the operator of the scheme information to which this regulation applies shall—
- (a) provide that information on a form supplied for the purpose by the appropriate Agency;
 - (b) ensure that the form is signed by the approved person; and
 - (c) ensure that the information is as accurate as reasonably possible.

Status:

Point in time view as at 01/01/2021.

Changes to legislation:

There are currently no known outstanding effects for the The Producer Responsibility Obligations (Packaging Waste) Regulations 2007, PART III.