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STATUTORY INSTRUMENTS

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**2009 No. 890**

**The Waste Batteries and Accumulators Regulations 2009**

**PART 4**

**PORTABLE BATTERIES: OBLIGATIONS AND RIGHTS OF  
DISTRIBUTORS AND OTHER ECONOMIC OPERATORS**

**Take back**

**31.**—(1) A distributor of portable batteries must, at any place it supplies such batteries to end-users,—

- (a) take back waste portable batteries at no charge; and
- (b) inform end-users about the possibility of such take back at the distributor’s sales points.

(2) A distributor may not—

- (a) make any charge to end-users; or
- (b) oblige end-users to buy a new battery,

when accepting waste portable batteries under paragraph (1)(a).

(3) The duty in paragraph (1) does not apply where portable batteries are supplied by a small distributor.

(4) A distributor must not dispose of, or arrange for the disposal of, waste portable batteries accepted under paragraph (1)(a).

(5) In this regulation “small distributor” means a distributor who supplies less than 32 kg of portable batteries to end-users in a year.

**Distributor’s right to request collection of waste batteries**

**32.**—(1) A distributor may request any battery compliance scheme to collect from it waste portable batteries it has taken back under regulation 31.

(2) A scheme operator who receives a request under paragraph (1) must—

- (a) arrange with the distributor within 21 days of the request for the collection of the waste portable batteries;
- (b) ensure the collection of those batteries without charge to the distributor and within a reasonable time.

(3) A distributor who has requested collection of waste portable batteries under paragraph (1) may not make a charge for the collection of those waste batteries under paragraph (2).

**Right of economic operators to participate in collection, treatment and recycling schemes**

**33.**—(1) Economic operators and waste collection authorities may take waste portable batteries to any facility provided by a battery compliance scheme for the purpose of receiving such batteries from such persons.

(2) The scheme operator must accept waste portable batteries at such a facility without charge.

**Prohibition on showing the costs of collection, treatment and recycling of portable batteries**

**34.** A distributor must not show separately the costs of the collection, treatment and recycling of waste portable batteries to an end-user at the time of sale of new portable batteries.