
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 198

The Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007

PART 3

REGISTRATION: PRODUCERS AND SCHEMES

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 Department.

(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 Department 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;
- (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 Department 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}... the proportion which is to be recovered by recycling by virtue of paragraph 3(2) of Schedule 2; and
- (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 as the Department reasonably requires in order to determine the application and as is specified on the form;]
- (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}.]^{F5} ...
- ^{F6}(e)
- ^{F7}(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—
 - [^{F8}(i) paragraphs (4)(a) and (b) and (11);]
 - (ii) where applicable, paragraphs (4)(c), [^{F9}(ca),] (d), (f) and (5) above; and
 - (b) the Department is satisfied that the further information provided in accordance with paragraph (4)(c) [^{F10}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 Department 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) [^{F11}or (ca)] above need not accompany the application but shall be provided within 28 days of the application being made.

^{F12}(10)

[^{F13}(11) The applicable fee for producer registration referred to in regulation 9 must be received by the Department on or before the relevant date.]

Textual Amendments

- F1** Reg. 7(4)(c)(ca) substituted for reg. 7(4)(c) (1.1.2011) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/396), regs. 1(1), **5(a)(i)**
- F2** Word in reg. 7(4)(ca)(i)(aa) substituted (11.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/345), regs. 1, **2(5)(a)**
- F3** Words in reg. 7(4)(ca)(i)(aa) omitted (11.1.2021) by virtue of The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/345), regs. 1, **2(5)(b)**
- F4** Reg. 7(4)(d) full stop substituted for semicolon (21.3.2016) by virtue of The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/79), regs. 1, **4(a)**
- F5** Reg. 7(4)(d) repealed (21.3.2016) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/79), regs. 1, **4(a)**
- F6** Reg. 7(4)(e) omitted (1.1.2011) by virtue of The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/396), regs. 1(1), **5(a)(ii)**
- F7** Reg. 7(4)(f) omitted (21.3.2016) by virtue of The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/79), regs. 1, **4(b)**
- F8** Reg. 7(6)(a)(i) substituted (1.1.2011) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/396), regs. 1(1), **5(b)(i)**
- F9** Word in reg. 7(6)(a)(ii) inserted (1.1.2011) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/396), regs. 1(1), **5(b)(ii)**
- F10** Words in reg. 7(6)(b) inserted (1.1.2011) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/396), regs. 1(1), **5(b)(iii)**
- F11** Words in reg. 7(9) inserted (1.1.2011) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/396), regs. 1(1), **5(c)**
- F12** Reg. 7(10) omitted (21.3.2016) by virtue of The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/79), regs. 1, **4(c)**
- F13** Reg. 7(11) inserted (1.1.2011) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/396), regs. 1(1), **5(d)**

Commencement Information

- I1** Reg. 7 in operation at 5.4.2007, see **reg. 1(1)**

Changes to legislation:

There are currently no known outstanding effects for the The Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007, Section 7.