

SCHEDULE 1

PRODUCERS

Table 1

<i>Relevant function performed in Years 1 and 2</i>	<i>Subject matter of supply in Year 1</i>	<i>Class of supply in Year 1</i>	<i>Class of producer in Year 2</i>
Manufacturer	Packaging materials	A B or C	Manufacturer
Convertor, subject to paragraph 1(2)	Packaging or packaging materials	A B or C	Convertor
Packer/filler	Packaging or packaging materials	A B or C	Packer/filler
Importer	Packaging or packaging materials	A B or C	Importer
Seller	Packaging	E	Seller
Manufacturer, Convertor, Packer/filler, or Importer	Transit packaging	B or F	Secondary provider
Service Provider	Packaging	G	Service Provider

1.—(1) For the purposes of Column 1 in the above Table—

- (a) “relevant function” means the performance by a person of the functions of one of the following—
- (i) manufacturer;
 - (ii) convertor;
 - (iii) packer/filler;
 - (iv) importer;
 - (v) seller;
 - (vi) service provider,

either himself or through an agent acting on his behalf, and in the course of business;

- (b) “convertor” means a person who uses or modifies packaging materials in the production or formation of packaging;
- (c) “importer” means a person who imports packaging or packaging materials into the United Kingdom;
- (d) “manufacturer” means a person who manufactures raw materials for packaging;
- (e) “packer/filler” means a person who puts goods into packaging;
- (f) “seller” means a person who supplies packaging to a user or a consumer of that packaging, whether or not the filling has taken place at the time of the supply;
- (g) “service provider” means a person who supplies reusable packaging to a user of that packaging where the supply is made by hiring out or lending the packaging;
- (h) “Year 1” means the preceding year; and
- (i) “Year 2” means the relevant year.

(2) Where a person performs the functions of a convertor and a packer/filler ^{F1}... as part of the same packing/filling process, and in relation to the same packaging, as regards supplies of packaging or packaging materials made to or by him in connection with those functions, or that process, he is treated for the purposes of these Regulations as a producer of the class of packer/filler only.

(3) For the purposes of this Schedule a person acts “in the course of business” if he acts in the ordinary course of conduct of a trade, occupation or profession.

Textual Amendments

F1 Words in [Sch. 1 para. 1\(2\)](#) 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), **18(2)**

Commencement Information

I1 Sch. 1 para. 1 in operation at 5.4.2007, see [reg. 1\(1\)](#)

2. For the purposes of Column 3 of the above Table, and Schedule 2—
- (a) “Class A supply” means a deemed supply or where an importer is the final user or consumer of the packaging or packaging materials;
 - (b) “Class B supply” means a supply, other than solely for the purpose of transport, to a person who acts as a distributor, that is to say who, in relation to the packaging or packaging materials supplied, neither performed the functions of one of the classes of producer, nor was the user or consumer;
 - (c) “Class C supply” means a supply (other than a Class F supply) to a person for the performance by that person of a relevant function which—
 - (i) is different from the function performed by his immediate supplier; and
 - (ii) is not that of an importer;
 - (d) “Class E supply” means a supply, other than a supply of transit packaging in respect of which a Class F supply has already been made, to a user or consumer other than a person who performed a relevant function;
 - (e) “Class F supply” means a supply—
 - (i) to a person who performed a relevant function;
 - (ii) to a user or consumer; or
 - (iii) to a person who acts as a distributor,
 using the transit packaging supplied to perform the functions of a packer/filler and seller;
 - (f) “Class G supply” means a supply —
 - (i) to a person who performed a relevant function; or
 - (ii) to a person who acts as a distributor,
 where the supply is made by hiring out or lending the packaging;
 - (g) “supply” means doing any of the following, either himself or through an agent acting on his behalf, in relation to packaging or packaging materials owned by the supplier—
 - (i) selling, hiring out or lending;
 - (ii) providing in exchange for any consideration other than money;
 - (iii) providing in or in connection with the performance of any statutory function; or
 - (iv) giving as a prize or otherwise making a gift,

and , where the packaging or packaging materials are owned by a person who does not have a registered office or principal place of business in Northern Ireland, a supply shall take place when a person performs any of the functions in sub-paragraphs (i) to (iv) above; and

- (h) “deemed supply” means a supply which is deemed to occur when a person who has carried out a relevant function then performs another such function in relation to the same packaging or packaging materials.

Commencement Information

I2 Sch. 1 para. 2 in operation at 5.4.2007, see [reg. 1\(1\)](#)

3. A person satisfies the threshold tests if—
- (a) his turnover in the last financial year in respect of which audited accounts are available (or where audited accounts are not required, his most recently available accounts) before the relevant date was more than £2,000,000; and
 - (b) in the calculation year the person handled in aggregate more than 50 tonnes of packaging or packaging materials.

Commencement Information

I3 Sch. 1 para. 3 in operation at 5.4.2007, see [reg. 1\(1\)](#)

4.—(1) For the purposes of paragraph 3(a) above audited accounts shall be treated as being available, where the person is a company, where annual accounts have been delivered to the registrar under [^{F2}section 441 of the Companies Act 2006] .

(2) For the purposes of paragraph 3(b) above, the amount of packaging or packaging materials handled is the amount handled in the United Kingdom in respect of which the producer made a supply referred to in Column 3 of Table 1, other than a Class A supply, calculated in tonnes to the nearest tonne by—

- (a) including packaging, including reused transit packaging, or packaging materials so supplied which were imported into the United Kingdom by the producer, either himself or through an agent acting on his behalf; and
- (b) excluding—
 - (i) reused sales packaging or primary packaging ^{F3} ...;
 - (ii) production residues from the production of packaging or packaging materials or from any other production process occurring before, during or after the producer handled the packaging or packaging materials;
 - (iii) any packaging or packaging materials so supplied which were exported from the United Kingdom by the producer, either himself or through an agent acting on his behalf or which to the producer’s reasonable knowledge were otherwise exported from the United Kingdom [^{F4}(with the exception of any packaging or packaging materials exported from the United Kingdom to a marine installation)]; and
 - (iv) reused transit packaging (with the exception of reused transit packaging imported into the United Kingdom).

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

Textual Amendments

- F2** Words in Sch. 1 para. 4(1) substituted (1.1.2011) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/396), regs. 1(1), **18(3)(a)**
- F3** Words in Sch. 1 para. 4(2)(b)(i) omitted (31.12.2020) by virtue of The Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/289), reg. 1, **Sch. 1 para. 7(4)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Sch. 1 para. 4(2)(b)(iii) inserted (1.1.2011) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/396), regs. 1(1), **18(3)(b)**

Commencement Information

- I4** Sch. 1 para. 4 in operation at 5.4.2007, see **reg. 1(1)**

[^{F5}SCHEDULE 1A

DISPOSAL OPERATIONS

Textual Amendments

- F5** Sch. 1A, Sch. 1B inserted (24.12.2018) by The Environment (Miscellaneous Amendments) Regulations (Northern Ireland) 2018 (S.R. 2018/200), reg. 1(1), **Sch. 1 para. 18**

1. Deposit into or on to land (for example landfill).
2. Land treatment (for example biodegradation of liquid or sludgy discards in soils).
3. Deep injection (for example injection of pumpable discards into wells, salt domes or naturally occurring repositories).
4. Surface impoundment (for example placement of liquid or sludgy discards into pits, ponds or lagoons).
5. Specially engineered landfill (for example placement into discreet cells which are capped and isolated from one another and from the environment).
6. Release into a water body except seas or oceans.
7. Release into seas or oceans including sea bed insertion.
8. Biological treatment not specified in this Schedule which results in compounds or mixtures which are discarded by means of any of the operations mentioned in paragraphs 1 to 7 or 9 to 12.
9. Physio-chemical treatment not specified elsewhere in this Schedule which results in final compounds or mixtures which are discarded by means of any of the operations mentioned in paragraphs 1 to 7 or 10 to 12.
10. Incineration on land.
11. Incineration at sea.
12. Permanent Storage (for example emplacement in containers in a mine).
13. Blending or mixing prior to submission to any or the operations mentioned in paragraphs 1 to 12.

- 14. Repackaging prior to submission to any of the operations mentioned in paragraphs 1 to 13.
- 15. Storage pending any of the operations mentioned in paragraphs 1 to 14 excluding temporary storage, pending collection, on the site where it is produced.

SCHEDULE 1B

CATEGORIES OF WASTE

- 1. Production or consumption residues not otherwise specified in paragraphs 2 to 12 of this Schedule.
- 2. Off specification products.
- 3. Products whose date for appropriate use has expired.
- 4. Materials spilled, lost or having undergone other mishap including and any materials or equipment contaminated as a result of that mishap.
- 5. Materials contaminated or soiled as a result of planned actions (for example residues from cleaning operations, packaging materials of containers).
- 6. Unusable parts (for example reject batteries or exhausted catalysts).
- 7. Substances which no longer perform satisfactorily (for example contaminated acids, contaminated solvents or exhausted tempering salts).
- 8. Residues of industrial processes (for example slags or still bottoms).
- 9. Residues from pollution abatement processes (for example scrubber sludge’s, baghouse dusts or spent fillers).
- 10. Machining or finishing residues (for example lathe turnings or mill scales).
- 11. Residues from raw materials extraction and processing (for example mining residues or oil field slops).
- 12. Adulterated materials (for example oils contaminated with PCB’s).]

SCHEDULE 2

Regulation 4(4)

^{F6}...RECYCLING OBLIGATIONS

Textual Amendments

F6 Words in [Sch. 2](#) heading 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(10)(a)**

1.—(1) Except for a small producer who has elected to follow the allocation method [^{F7}and subject to paragraph 1A, a producer’s obligation to] recycle packaging waste in a relevant year are, in relation to each class of producer to which he belongs—

(a) to [^{F8}recycle] an amount of packaging waste as provided in paragraph 3(1) below;

^{F9}(b)

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

- (c) as part of the obligation to [^{F10}recycle] packaging waste as provided in paragraph (a) above, to [^{F11}recycle] an amount of packaging materials which is packaging waste, as provided in paragraph 3(3) below [^{F12}; and
- (d) in relation to glass, to recycle by re-melt an amount of glass packaging which is glass packaging waste, as provided in paragraph 3(4),]

and are calculated by aggregating his obligations in relation to each class of producer to which he belongs in respect of that year.

Textual Amendments

- F7** Words in Sch. 2 para. 1(1) substituted (11.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/345), regs. 1, **2(10)(b)(i)**
- F8** Word in Sch. 2 para. 1(1)(a) substituted (11.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/345), regs. 1, **2(10)(b)(ii)**
- F9** Sch. 2 para. 1(1)(b) 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(10)(b)(iii)**
- F10** Word in Sch. 2 para. 1(1)(c) substituted (11.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/345), regs. 1, **2(10)(b)(iv)(aa)**
- F11** Word in Sch. 2 para. 1(1)(c) substituted (11.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/345), regs. 1, **2(10)(b)(iv)(bb)**
- F12** Sch. 2 para. 1(1)(d) and word inserted (12.12.2013) by virtue of The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/262), regs. 1, **3(2)(b)**

Commencement Information

- I5** Sch. 2 para. 1 in operation at 5.4.2007, see **reg. 1(1)**

[^{F13}1A.—(1) For the purposes of paragraph 1(1)(a), where $\sum Q$ is greater than $\sum Z$, a producers obligation is to recycle an amount of packaging waste equal to $\sum Q$.

(2) In this paragraph—

- (a) “ $\sum Q$ ” means the sum of Q, as calculated in accordance with paragraph 3(3), for each recyclable material handled by the producer in the preceding year and for each class of producer to which the producer belongs;
- (b) “ $\sum Z$ ” means the sum of Z, as calculated in accordance with paragraph 3(1), for each class of producer to which the producer belongs.]

Textual Amendments

- F13** Sch. 2 para. 1A inserted (11.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/345), regs. 1, **2(10)(c)**

2. Where a small producer has elected to follow the allocation method, his obligations to recycle packaging waste in a relevant year are to recycle an amount of packaging waste as provided in paragraphs 7 and 8 below.

Commencement Information

I6 Sch. 2 para. 2 in operation at 5.4.2007, see **reg. 1(1)**

3.—(1) The amount of packaging waste to be [^{F14}recycled] by a producer in relation to a class of producer to which he belongs is calculated as follows—

^{F14} $P = C \times X \div Z$

where—

[^{F15}“P” is the amount of packaging and packaging materials handled in the United Kingdom by the producer in the preceding year, calculated in tonnes to the nearest tonne by—

- (a) taking into account packaging, including reused transit packaging, or packaging materials so supplied, which were imported into the United Kingdom by the producer, either himself or through an agent acting on his behalf; and
- (b) excluding—
 - (i) reused sales packaging or primary packaging as defined in paragraph 1(a) of Article 3 of the Packaging Waste Directive;
 - (ii) production residues from the production of packaging or packaging materials or from any other production process occurring before, during or after the producer handled the packaging or packaging materials;
 - (iii) any packaging or packaging materials so supplied which were exported from the United Kingdom by the producer, either himself or through an agent acting on his behalf or which to the producer’s reasonable knowledge were otherwise exported from the United Kingdom (with the exception of any packaging or packaging materials exported from the United Kingdom to a marine installation); and
 - (iv) reused transit packaging (with the exception of reused transit packaging imported into the United Kingdom);]

“C” is the percentage prescribed in paragraph 4 below in relation to the class of producer;

“X” is the percentage prescribed in paragraph 5 below as the [^{F16}recycling] target for the relevant year; and

“Z” is the amount by tonnage of packaging waste which is to be [^{F17}recycled] within the relevant year.

^{F18}(2)

(3) Where in the preceding year the producer has handled any recyclable material (whether in the form of packaging or packaging materials), the producer shall [^{F19}recycle] an amount of packaging waste consisting of that material calculated as follows—

^{F19} $M \times C \div T = Q$

where—

“M” is the amount in tonnes to the nearest tonne of the recyclable material (whether in the form of packaging or packaging materials) handled in the United Kingdom by the producer in the preceding year;

“C” is the percentage prescribed in paragraph 4 below in relation to the class of producer;

“Y” is the percentage prescribed in paragraph 6 below as the recycling target for the relevant year; and

“Q” is the amount by tonnage of packaging waste consisting of that material which is to be recycled in the relevant year.

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

[^{F20}(4) Where in the preceding year the producer has handled any glass (whether in the form of packaging or packaging materials), the producer shall recycle by re-melt an amount of glass packaging waste calculated as follows—

[^{F21}

~~75~~^{F21}
$$\frac{L \times B \times Y}{100} = G$$

“L” is the amount to the nearest tonne of the glass (whether in the form of packaging or packaging materials) handled in the United Kingdom by the producer in the preceding year;

“B” is the percentage prescribed in paragraph 4 in relation to the class of producer;

...
^{F23}

“Y” is the percentage prescribed in paragraph 6 as the recycling target in respect of glass in relation to the relevant year; and

“G” is the amount by tonnage of glass packaging waste which is to be recycled by re-melt in the relevant year.]]]

Textual Amendments

- F14** Word in Sch. 2 para. 3(1) substituted (11.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/345), regs. 1, **2(10)(d)(i)(aa)**
- F15** Words in Sch. 2 para. 3(1) substituted (1.1.2011) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/396), regs. 1(1), **19(2)**
- F16** Word in Sch. 2 para. 3(1) substituted (11.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/345), regs. 1, **2(10)(d)(i)(bb)**
- F17** Word in Sch. 2 para. 3(1) substituted (11.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/345), regs. 1, **2(10)(d)(i)(cc)**
- F18** Sch. 2 para. 3(2) 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(10)(d)(ii)**
- F19** Word in Sch. 2 para. 3(3) substituted (11.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/345), regs. 1, **2(10)(d)(iii)**
- F20** Sch. 2 para. 3(4) inserted (12.12.2013) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/262), regs. 1, **3(4)**
- F21** Formula in Sch. 2 para. 3(4) amended - 75 substituted for 72 substituted (1.2.2024) by The Producer Responsibility Obligations (Packaging Waste) (Amendment No.2) Regulations (Northern Ireland) 2023 (S.R. 2023/219), regs. 1, **2(2)(a)**
- F22** Word in Sch. 2 para. 3(4) substituted (11.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/345), regs. 1, **2(10)(d)(iv)**
- F23** Words in Sch. 2 para. 3(4) omitted (2.2.2017) by virtue of The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/3), regs. 1, **2(2)(b)**

Commencement Information

- I7** Sch. 2 para. 3 in operation at 5.4.2007, see **reg. 1(1)**

4.—(1) The following percentages are prescribed as the percentages for the following classes of producer—

(a) manufacturer	6%;
(b) convertor	9%;

(c) packer/filler	37%;
(d) seller	48%;
(e) secondary provider	85%; and
(f) service provider	85%.

- (2) The following percentages are prescribed for the class of importer—
- (a) the manufacturer’s percentage, that is 6%—
 - (i) on Class A supplies, where the importer also carries out the functions of a convertor;
 - (ii) on Class B supplies, where the relevant packaging or packaging materials are supplied, by the distributor who receives them, to a convertor; and
 - (iii) on Class C supplies to a convertor;
 - (b) the manufacturer’s and the convertor’s percentages aggregated, that is $6\% + 9\% = 15\%$ —
 - (i) on Class A supplies, where the importer also carries out the functions of a packer/filler;
 - (ii) on Class B supplies, where the relevant packaging or packaging materials are supplied, by the distributor who receives them, to a packer/filler;
 - (iii) on Class C supplies to a packer/filler; and
 - (iv) on Class G supplies;
 - (c) the manufacturer’s, the convertor’s and the packer/filler’s percentages aggregated, that is $6\% + 9\% + 37\% = 52\%$ —
 - (i) on Class A supplies where the importer also carries out the functions of a seller;
 - (ii) on Class B supplies where the relevant packaging or packaging materials are supplied, by the distributor who receives them, to a seller; and
 - (iii) on Class C supplies to a seller;
 - (d) the manufacturer’s, the convertor’s, the packer/filler’s and the seller’s percentages aggregated, that is $6\% + 9\% + 37\% + 48\% = 100\%$ —
 - (i) on Class F supplies; and
 - (ii) on Class A supplies, where the importer is also the final user or consumer.

Commencement Information

I8 Sch. 2 para. 4 in operation at 5.4.2007, see [reg. 1\(1\)](#)

[^{F24}5. The percentage which is prescribed as the recycling target “X” for the year 2024 is 80%.]

Textual Amendments

F24 Sch. 2 para. 5 substituted (1.1.2024) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/183\)](#), regs. 1, **2(2)(a)**

6. The following percentages are prescribed as the recycling target “Y” in respect of the recyclable material specified in the first column in relation to the [^{F25}year] indicated at the head of the subsequent columns—

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

[^{F26}Table 2 Recycling Targets

<i>Materials</i>	<i>2024</i>
Glass	82
Plastic	61
Aluminium	69
Steel	87
Paper/Board	83
Wood	42]

Textual Amendments

- F25** Word in Sch. 2 para. 6 substituted (1.1.2023) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2022 (S.R. 2022/286), regs. 1, **2(2)(b)(i)**
- F26** Sch. 2 para. 6 Table 2 substituted (1.1.2024) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2023 (S.R. 2023/183), regs. 1, **2(2)(b)**

Commencement Information

- I9** Sch. 2 para. 6 in operation at 5.4.2007, see **reg. 1(1)**

^{F27}6A.

Textual Amendments

- F27** Sch. 2 para. 6A omitted (2.2.2017) by virtue of The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/3), regs. 1, **2(4)**

7.—(1) The amount of packaging waste to be recycled by a small producer who has elected to follow the allocation method is calculated as follows—

$$A \times B \div Z_s$$

where—

- “A” = a/1,000,000;
- “a” is the annual turnover of the producer in the last financial year in respect of which audited accounts are available before the relevant date, rounded up to the nearest ten thousand pounds;
- “B” is the recycling allocation for the relevant year prescribed in paragraph 8 below; and
- “Z_s” is the amount of packaging waste (in tonnes) which is to be recycled in the relevant year.

(2) For the purposes of this paragraph, a small producer shall carry out his recycling obligations by recycling the recyclable material he handled which is predominant by weight.

Commencement Information

- I10** Sch. 2 para. 7 in operation at 5.4.2007, see **reg. 1(1)**

[^{F28}8. The recycling allocation “B” is 35 for [^{F29}the year 2024.]]

Textual Amendments

- F28** Sch. 2 para. 8 substituted (11.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/345\)](#), regs. 1, **2(10)(g)**
- F29** Words in Sch. 2 para. 8 substituted (1.1.2024) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/183\)](#), regs. 1, **2(2)(c)**

9. Paragraph 4(2) of Schedule 1 applies for the purposes of this Schedule, but as though the words “For the purposes of paragraph 3(b) above,” and the words “other than a Class A supply,” were omitted.

Commencement Information

- I11** Sch. 2 para. 9 in operation at 5.4.2007, see [reg. 1\(1\)](#)

10. Where the Department is satisfied that a producer has instituted a system of using reusable packaging which has a life of at least four years, the producer’s obligations under this Schedule in relation to that packaging may be discharged by equal instalments over four years commencing with the year in which that packaging is first used.

Commencement Information

- I12** Sch. 2 para. 10 in operation at 5.4.2007, see [reg. 1\(1\)](#)

[^{F30}11. For the purposes of this Schedule, “recycling by re-melt” means the recycling of waste glass packaging or packaging materials using a method that melts the glass before it is re-formed into a product.]

Textual Amendments

- F30** Sch. 2 para. 11 inserted (12.12.2013) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/262\)](#), regs. 1, **3(9)**

SCHEDULE 3

Regulations 7(4), 14(3) and 15(g)

INFORMATION

PART I

INFORMATION TO BE CONTAINED IN
APPLICATION FOR PRODUCER REGISTRATION

1. The address and telephone number of the registered office of the producer or, if not a company, the principal place of business of the producer.

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

Commencement Information

I13 Sch. 3 para. 1 in operation at 5.4.2007, see [reg. 1\(1\)](#)

2. The business name of the producer if different from that referred to in paragraph 1 above.

Commencement Information

I14 Sch. 3 para. 2 in operation at 5.4.2007, see [reg. 1\(1\)](#)

3. The address for service of notices on the producer if different from that referred to in paragraph 1 above.

Commencement Information

I15 Sch. 3 para. 3 in operation at 5.4.2007, see [reg. 1\(1\)](#)

4. Where the producer is a partnership, the names of all the partners.

Commencement Information

I16 Sch. 3 para. 4 in operation at 5.4.2007, see [reg. 1\(1\)](#)

PART II

INFORMATION TO BE INCLUDED IN AN APPLICATION FOR REGISTRATION OF A SCHEME

5. The name of the scheme.

Commencement Information

I17 Sch. 3 para. 5 in operation at 5.4.2007, see [reg. 1\(1\)](#)

6. The name of the operator and, where the operator is a partnership, the names of all the partners.

Commencement Information

I18 Sch. 3 para. 6 in operation at 5.4.2007, see [reg. 1\(1\)](#)

7. The address and telephone number of the registered office of the operator or, if not a company, the principal place of business of the operator, and, if more than one, all the operators.

Commencement Information

I19 Sch. 3 para. 7 in operation at 5.4.2007, see [reg. 1\(1\)](#)

8. The address for service of notices if different from that referred to in paragraph 7 above.

Commencement Information

I20 Sch. 3 para. 8 in operation at 5.4.2007, see [reg. 1\(1\)](#)

9. The names and addresses of the registered offices, or, where the members of the scheme are not companies, the principal places of business, of the scheme's members.

Commencement Information

I21 Sch. 3 para. 9 in operation at 5.4.2007, see [reg. 1\(1\)](#)

10. Full particulars of the agreement for the constitution of the scheme including any rules or regulations to be observed by its members.

Commencement Information

I22 Sch. 3 para. 10 in operation at 5.4.2007, see [reg. 1\(1\)](#)

PART III

STATEMENT OF THE SCHEME'S POLICIES AND THE OPERATIONAL PLANS OF SCHEMES AND PRODUCERS

11. The matters to be contained in the statement to be provided pursuant to regulation 14(3)(d) are—

- (a) the steps intended to be taken through the scheme to increase the use of recycled packaging waste in the manufacture of packaging, packaging materials or other products or materials supplied by its members; and
- (b) the principal methods by which packaging waste is to be [^{F31}recycled] through the scheme, ^{F32}... together with information about the steps the user or consumer may take to assist the scheme in applying these methods.

Textual Amendments

F31 Word in Sch. 3 Pt. 3 para. 11(b) substituted (11.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/345\)](#), regs. 1, **2(11)(a)**

F32 Words in Sch. 3 Pt. 3 para. 11(b) 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(11)(b)**

Commencement Information

I23 Sch. 3 para. 11 in operation at 5.4.2007, see [reg. 1\(1\)](#)

^{F33}12.

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

Textual Amendments
F33 Sch. 3 paras. 12, 13 omitted (21.3.2016) by virtue of The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/79), regs. 1, 21

^{F33}13.

Textual Amendments
F33 Sch. 3 paras. 12, 13 omitted (21.3.2016) by virtue of The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/79), regs. 1, 21

SCHEDULE 4

Regulation 21

INFORMATION IN CERTIFICATE OF COMPLIANCE

Commencement Information
I24 Sch. 4 in operation at 5.4.2007, see reg. 1(1)

The information to be contained in a certificate of compliance is—

1. The name and address of the approved person who is issuing the certificate.
2. The date of the certificate.
3. The producer in respect of whom the approved person is issuing the certificate (“the relevant producer”).
4. A statement by the approved person that the certificate has been issued in accordance with any guidance issued by the Department under Article 4(3) of the Order.
5. Certification by the approved person as to whether the relevant producer has complied with his ^{F34}recycling obligations.

Textual Amendments
F34 Words in Regulations substituted (11.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/345), regs. 1, 2(2)

6. Subject to paragraph 7 below, copies of all PRNs or PERNs acquired for the year to which the certificate relates.
7. A PRN or PERN which is issued in respect of packaging waste received by a reprocessor or exported in December of any year may be included in the certificate of compliance for either that year or the following year.

Textual Amendments
F34 Words in Regulations substituted (11.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/345), regs. 1, 2(2)

SCHEDULE 5

Regulation 25

CONDITIONS OF ACCREDITATION

1. The conditions referred to in regulation 25 are that—
 - (a) PRNs shall not be issued for more than the total amount of packaging waste which—
 - (i) is received for reprocessing on the site of a reprocessor in the year or the part of the year for which he is accredited; and
 - (ii) will be capable of being reprocessed on the site for which he is accredited no later than the end of the following year;
 - (b) a reprocessor may only issue a PRN in respect of packaging waste once that packaging waste has been received for reprocessing on that site;
 - (c) PRNs which relate to packaging waste received for reprocessing in December of a year shall specify that fact;
 - ^{F35}(d) PERNs shall not be issued for more than the total amount of packaging waste which an accredited exporter exports for reprocessing in the year or part of the year for which he is accredited;
 - (e) a PERN may only be issued once the packaging waste that it relates to has been exported for reprocessing;]
 - (f) PERNs which relate to packaging waste exported in December of a year shall specify that fact;
 - (g) where a PRN or PERN has not been issued by 31st January in any year in respect of an amount of packaging waste received for reprocessing or exporting in the previous year, a PRN or PERN for that amount shall not be issued to producers or operators of schemes, or to the representatives of producers or operators of schemes but shall be issued to the Department on or before ^{F36}28th February] in that year;
 - ^{F37}(h)
 - (i) the weight of packaging waste recorded on a PRN or PERN shall be—
 - (i) rounded up to the nearest whole tonne where the part tonne is 0.5 or more;
 - (ii) rounded down to the nearest whole tonne where the part tonne is less than 0.5;
 - ^{F38}(j)
 - (k) subject to sub-paragraph (g) above, PRNs and PERNs may only be issued to producers or operators of schemes, or to the representatives of producers or operators of schemes;
 - ^{F39}(l)
 - (m) records shall be maintained for each quarter year on a form made available for the purpose by the Department, shall be retained for at least 4 years after the end of the year in which the record is made and shall be made available to the Department on demand;
 - (n) reports shall be provided to the Department before each of 21st April, 21st July, 21st October and 28th February in respect of the previous quarter year on—
 - (i) the tonnage of packaging waste received or exported for reprocessing in that quarter;
 - (ii) the tonnage of packaging waste reprocessed in that quarter;
 - (iii) the number of PRNs or PERNs issued in that quarter; and
 - (iv) a list of all PRNs and PERNs issued, on a form provided by the [Department];

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

- [^{F40}(o) a report shall be provided to the Department before 28th February in each year which—
 - (i) sets out all the information provided in the quarterly reports which relate to the whole of the previous year;
 - (ii) sets out the amount of revenue received in the previous year from the sale of PRNs or PERNs;
 - (iii) sets out what that amount has been spent on, including information on the matters set out in paragraphs (i) to (vi) of regulation 24(1)(c);
 - (iv) accounts for the whole of the amount of revenue provided under paragraph (ii);
 - (v) sets out and explains any deviation during the previous year from the business plan referred to in regulation 24(1)(c); and
 - (vi) is, where required by the Department, in the form it may require;]
- ^{F41}(p)
 - (q) a reprocessor or exporter must—
 - (i) as far as possible implement the business plan referred to in regulation 24(1)(c);
 - (ii) undertake sampling and inspection of packaging waste received or exported for reprocessing, in accordance with a plan approved by the Department; and
 - (iii) comply with such other conditions as the Department may specify in the notification of a grant of accreditation.
- [^{F42}(r) a PERN may only be issued in respect of packaging waste that is exported in accordance with—
 - (i) Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste [^{F43}as last amended by Commission Regulation (EU) 2015/2002]; and
 - (ii) Commission Regulation (EC) No 1418/2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply [^{F44}as last amended by Commission Regulation (EU) No 733/2014];
- (s) where applicable, a reprocessor or exporter must comply with regulation 24(6).]

Textual Amendments	
F35	Sch. 5 para. 1(d)(e) substituted (13.1.2008) by The Producer Responsibility Obligations (Packaging Waste) (Amendment No.2) Regulations (Northern Ireland) 2008 (SR 2008/373), reg. 1, reg. 2(5)(a)
F36	Words in Sch. 5 para. 1(g) substituted (1.1.2011) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/396), regs. 1(1), 21(2)(a)
F37	Sch. 5 para. 1(h) 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), 21(2)(b)
F38	Sch. 5 para. 1(j) 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), 21(2)(b)
F39	Sch. 5 para. 1(l) 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), 21(2)(b)
F40	Sch. 5 para. 1(o) substituted (1.1.2011) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/396), regs. 1(1), 21(2)(c)
F41	Sch. 5 para. 1(p) 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), 21(2)(d)

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

- F42** Sch. 5 para. 1(r), (s) substituted for (1.1.2011) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/396), regs. 1(1), **21(2)(e)**
- F43** Words in Sch. 5 para. 1(r)(i) inserted (24.12.2018) by The Environment (Miscellaneous Amendments) Regulations (Northern Ireland) 2018 (S.R. 2018/200), reg. 1(1), **Sch. 1 para. 19(a)(i)**
- F44** Words in Sch. 5 para. 1(r)(ii) inserted (24.12.2018) by The Environment (Miscellaneous Amendments) Regulations (Northern Ireland) 2018 (S.R. 2018/200), reg. 1(1), **Sch. 1 para. 19(a)(ii)**

Commencement Information

- I25** Sch. 5 para. 1 in operation at 5.4.2007, see **reg. 1(1)**

2. For the purposes of this Schedule—

- (a) “issue” in relation to a PRN or PERN means to sell or otherwise supply to a producer or operator of a scheme or to the representative of a scheme or operator of a scheme, and a reprocessor or exporter may issue a PRN or PERN to himself;
- (b) “quarter year” means the first, second, third and fourth three months of the year^{F45} ...
- ^{F46}(c)
- (d) an environmental auditor registered with a recognised supervisory body and who would be eligible for appointment as a company auditor of the reprocessor or exporter under Article 30 of the Companies (Northern Ireland) Order 1990.

Textual Amendments

- F45** Word in Sch. 5 para. 2(b) 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), **21(3)(a)**
- F46** Sch. 5 para. 2(c) 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), **21(3)(b)**

Commencement Information

- I26** Sch. 5 para. 2 in operation at 5.4.2007, see **reg. 1(1)**

SCHEDULE 6

Regulation 28(3)

PROCEDURE ON APPEALS

1.—(1) A person who wishes to appeal to the Planning Appeals Commission under regulation 27 shall do so by notice in writing given or sent to the Planning Appeals Commission.

(2) The notice shall be accompanied by—

- (a) a statement of the grounds of appeal;
- (b) a copy of any correspondence or document relevant to the appeal that could be required to be disclosed as part of standard disclosure under Order 24 of the Rules of the Supreme Court (Northern Ireland) 1984(1);
- (c) a statement indicating whether the appellant wishes the appeal to be in the form of a hearing or to be determined on the basis of written representations.

(1) insert information from DSO

(3) The appellant shall serve a copy of his notice of appeal on the Department together with copies of the documents mentioned in sub-paragraph (2) above.

Commencement Information

I27 Sch. 6 para. 1 in operation at 5.4.2007, see [reg. 1\(1\)](#)

2.—(1) Subject to sub-paragraph (2) below, notice of appeal shall be given before the expiry of the period of 2 months beginning with the date of the decision which is the subject of the appeal.

(2) The Planning Appeals Commission may at any time allow notice of an appeal to be given after the expiry of the period mentioned in sub-paragraph (1) above.

Commencement Information

I28 Sch. 6 para. 2 in operation at 5.4.2007, see [reg. 1\(1\)](#)

3. Where under regulation 28(2) the appeal is by way of a hearing, the person hearing the appeal shall, unless he has been appointed to determine the appeal under regulation 28(1)(a), make a written report to the Planning Appeals Commission which shall include his conclusions and recommendations or his reasons for not making any recommendations.

Commencement Information

I29 Sch. 6 para. 3 in operation at 5.4.2007, see [reg. 1\(1\)](#)

4.—(1) The Planning Appeals Commission or other person determining an appeal shall notify the appellant in writing of its or his decision and the reasons for the decision.

(2) If the Planning Appeals Commission determines an appeal after a hearing under regulation 28(2), it shall provide the appellant with a copy of any report made to him under paragraph 3 above.

(3) The Planning Appeals Commission or other person determining an appeal shall, at the same time as notifying the appellant of his decision, send the Department a copy of any document sent to the appellant under this paragraph.

Commencement Information

I30 Sch. 6 para. 4 in operation at 5.4.2007, see [reg. 1\(1\)](#)

SCHEDULE 7

Regulation 33

PUBLIC REGISTER

1. The name and address of the registered office or principal place of business of—
 - (a) each registered producer;
 - (b) each registered operator of a scheme and each member of the scheme for which he is the operator; and

- (c) each accredited reprocessor and accredited exporter.

Commencement Information

I31 Sch. 7 para. 1 in operation at 5.4.2007, see [reg. 1\(1\)](#)

- 2. In relation to accredited reproducers and exporters—
 - (a) each material type accepted;
 - (b) in relation to any recovery operation to be used, the appropriate classification of the applicable operation ^{F47} ...;
 - ^{F48}(c)
 - (d) whether the reprocessor or exporter is accredited to issue PRNs or PERNs for either 400 tonnes or less, or more than 400 tonnes of packaging waste;
 - (e) the business name, address and telephone number of the reprocessor or exporter;
 - (f) the site address for an accredited reprocessor;
 - (g) the reference number supplied by the Department;
 - (h) whether or not quarterly returns and annual returns have been provided in accordance with the conditions set out in [^{F49} paragraphs 1(n) and 1(o)] of Schedule 5;
 - (i) whether the Department has served a notice to suspend or cancel accreditation; and
 - (j) whether accreditation has been suspended or cancelled.

Textual Amendments

- F47** Words in Sch. 7 para. 2(b) omitted (31.12.2020) by virtue of [The Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/289\)](#), [reg. 1](#), [Sch. 1 para. 7\(5\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F48** Sch. 7 para. 2(c) 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\(12\)](#)
- F49** Words in Sch. 7 para. 2(h) substituted (1.1.2011) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/396\)](#), [regs. 1\(1\)](#), [22](#)

Commencement Information

I32 Sch. 7 para. 2 in operation at 5.4.2007, see [reg. 1\(1\)](#)

- 3. A statement in relation to each registered producer as to whether a satisfactory certificate of compliance has been furnished.

Commencement Information

I33 Sch. 7 para. 3 in operation at 5.4.2007, see [reg. 1\(1\)](#)

- 4. A statement in relation to each registered operator of a scheme as to whether he has complied with his obligations under regulation 12(1).

Commencement Information

I34 Sch. 7 para. 4 in operation at 5.4.2007, see [reg. 1\(1\)](#)

SCHEDULE 8

Regulation 35

SUPPLEMENTAL PROVISIONS WITH REGARD TO POWERS OF ENTRY

Issue of warrants

- 1.—(1) If it is shown to the satisfaction of a [^{F50}lay magistrate] on complaint on oath—
- (a) that there are reasonable grounds for the exercise in relation to any premises of a relevant power conferred by regulation 35; and
 - (b) that one or more of the conditions specified in sub-paragraph (2) is fulfilled in relation to those premises,

[^{F51}the lay magistrate] may by warrant authorise an authorised person to exercise the power in relation to those premises, in accordance with the warrant and, if need be, by force.

- (2) The conditions mentioned in sub-paragraph (1)(b) are—
- (a) that the exercise of the power in relation to the premises has been refused;
 - (b) that such a refusal is reasonably apprehended;
 - (c) that the premises are unoccupied;
 - (d) that the occupier is temporarily absent from the premises and the case is one of urgency; or
 - (e) that an application for admission to the premises would defeat the object of the proposed entry.

(3) In a case where paragraph (3) of regulation 35, applies, a [^{F52}lay magistrate] shall not issue a warrant under this Schedule by virtue only of being satisfied that the exercise of a power in relation to any premises has been refused, or that a refusal is reasonably apprehended; unless he is also satisfied that the notice required by that paragraph has been given and that the period of that notice has expired.

(4) Every warrant under this Schedule shall continue in force until the purposes for which the warrant was issued have been fulfilled.

Textual Amendments

- F50** Words in Sch. 8 para. 1(1) substituted (6.4.2008) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2008 (SR 2008/77), reg. 1, **reg. 2(3)**
- F51** Words in Sch. 8 para. 1(1) substituted (6.4.2008) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2008 (SR 2008/77), reg. 1, **reg. 2(4)**
- F52** Words in Sch. 8 para. 1(3) substituted (6.4.2008) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2008 (SR 2008/77), reg. 1, **reg. 2(3)**

Commencement Information

- I35** Sch. 8 para. 1 in operation at 5.4.2007, see **reg. 1(1)**

Manner of exercise of powers

2. An authorised person shall produce evidence of his designation and other authority before he exercises the power.

Commencement Information

I36 Sch. 8 para. 2 in operation at 5.4.2007, see [reg. 1\(1\)](#)

Information obtained to be admissible in evidence

3.—(1) Subject to paragraph (5) of regulation 35, information obtained in consequence of the exercise of relevant power, with or without the consent of any person, shall be admissible in evidence against that or any other person.

(2) Without prejudice to the generality of sub-paragraph (1), information obtained by means of monitoring or other apparatus installed on any premises in the exercise of a relevant power, with or without the consent of any person in occupation of the premises, shall be admissible in evidence in any proceedings against that or any other person.

Commencement Information

I37 Sch. 8 para. 3 in operation at 5.4.2007, see [reg. 1\(1\)](#)

Duty to secure premises

4. A person who, in the exercise of a relevant power, enters on any premises which are unoccupied or whose occupier is temporarily absent shall leave the premises as effectually secured against trespassers as he found them.

Commencement Information

I38 Sch. 8 para. 4 in operation at 5.4.2007, see [reg. 1\(1\)](#)

Compensations

5.—(1) Where an authorised person exercises any power conferred by sub-paragraph 2(a) of regulation 35, it shall be the duty of the Department to make full compensation to any person who has sustained loss or damage by reason of—

- (a) the exercise by the authorised person of that power; or
- (b) the performance of, or failure of the authorised person to perform, the duty imposed by paragraph (4).

(2) Compensation shall not be payable by virtue of sub-paragraph (1) in respect of any loss or damage if the loss or damage—

- (a) is attributable to the default of the person who sustained it; or
- (b) is loss or damage in respect of which compensation is payable by virtue of any other provision of the Order.

(3) Any dispute as to a person's entitlement to compensation under this paragraph, or as to the amount of any such compensation, shall be referred to and determined by the Lands Tribunal; and Articles 4 and 5 of the Land Compensation (Northern Ireland) Order 1982(2) shall apply to any such determination.

(2) [S.I. 1982/712 \(N.I. 9\)](#)

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

(4) An authorised person shall not be liable in any civil or criminal proceedings for anything done in the purported exercise of any relevant power if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

Commencement Information

I39 Sch. 8 para. 5 in operation at 5.4.2007, see [reg. 1\(1\)](#)

Relevant power

6. In this Schedule “relevant power” means a power conferred by regulation 35 including a power exercisable by virtue of a warrant under this Schedule.

Commencement Information

I40 Sch. 8 para. 6 in operation at 5.4.2007, see [reg. 1\(1\)](#)

SCHEDULE 9

Regulation 37

GROUPS OF COMPANIES

1. This Schedule applies in relation to a relevant year—
 - (a) where a holding company and one or more of its subsidiaries, or two or more subsidiary companies of the same holding company (in either case referred to in this Schedule and ^{F53}Schedule 11] as “a group of companies”) each satisfies the provisions of Columns 1 to 3 of Table 1 in Schedule 1 in relation to a class or classes of producer; and
 - (b) where the aggregate of the turnovers, and the aggregate of the amounts of packaging or packaging materials handled by each such company, are sufficient to satisfy the threshold tests as provided by paragraph 3 of Schedule 1.

Textual Amendments

F53 Words in [Sch. 9 para. 1\(a\)](#) substituted (1.1.2011) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/396\)](#), [regs. 1\(1\), 23\(a\)](#)

Commencement Information

I41 Sch. 9 para. 1 in operation at 5.4.2007, see [reg. 1\(1\)](#)

2. Subject to regulation 5, in respect of a year each company referred to in paragraph 1 above is a producer of a class specified in an entry in Column 4 of Table 1 in Schedule 1 if—

- (a) in that year and the preceding year the company performs the relevant functions specified in Column 1 of that Table in relation to that entry; and
- (b) in the preceding year the company made supplies of the materials or products specified in Column 2 of that Table in relation to that entry of a class specified in Column 3 of that Table in relation to that entry,

and the other provisions of that Schedule, other than paragraph 3, shall also have effect for the purposes of determining to which class of producer such a company belongs.

Commencement Information

I42 Sch. 9 para. 2 in operation at 5.4.2007, see [reg. 1\(1\)](#)

3. For the purposes of this Schedule and [^{F54}Schedule 11] “subsidiary” and “holding company” have the same meanings as they have in [^{F55}section 1159 of the Companies Act 2006].

Textual Amendments

F54 Words in [Sch. 9 para. 3](#) substituted (1.1.2011) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/396\)](#), regs. 1(1), [23\(a\)](#)

F55 Words in [Sch. 9 para. 3](#) substituted (1.1.2011) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/396\)](#), regs. 1(1), [23\(b\)](#)

Commencement Information

I43 Sch. 9 para. 3 in operation at 5.4.2007, see [reg. 1\(1\)](#)

4. Subject to regulation 5, companies who are producers and are in a group of companies shall comply with their producer registration obligations for a relevant year by—

- (a) being registered for that year with the Department as required by regulation 6, in which case each company so registered has its own recycling obligations, certifying obligations, and, where applicable, consumer information obligations; or
- (b) the holding company and one or more of the subsidiaries being registered together for that year with the Department, (in this Schedule and [^{F56}Schedule 11] referred to as a “group registration”) in which case paragraph 5 below shall apply.

Textual Amendments

F34 Words in [Regulations](#) substituted (11.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/345\)](#), regs. 1, [2\(2\)](#)

F56 Words in [Sch. 9 para. 4\(b\)](#) substituted (1.1.2011) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/396\)](#), regs. 1(1), [23\(a\)](#)

Commencement Information

I44 Sch. 9 para. 4 in operation at 5.4.2007, see [reg. 1\(1\)](#)

5. Where there is a group registration—

- (a) the subsidiary companies in the group registration are exempt from complying with their producer responsibility obligations for the relevant year;
- (b) the holding company has a producer registration obligation for the relevant year which is an obligation to make the group registration and for this purpose regulations 5 to 11, and Parts I and II of Schedule 3, shall be read as if—
 - (i) references to the applicant or the producer were references to the holding company;
 - (ii) references to information to be provided regarding the producer were to information to be provided regarding each company in the group registration; and
 - (iii) the references in [^{F57}regulation 9(2)] to a fee for producer registration were read as references to a fee for group registration;

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

- (c) the holding company has [^{F34}recycling obligations] and, where applicable, consumer information obligations for the relevant year which are the aggregate of its own obligations in respect of that year, if any, and the obligations which the subsidiary companies in the group registration would have had but for the group registration;
- (d) where a subsidiary company in the group registration is a small producer who has elected in the group registration application to follow the allocation method set in paragraphs 7 and 8 of Schedule 2 the obligations of the holding company for this subsidiary shall be determined on this basis provided that the small subsidiary shall follow the allocation method for the minimum of the year of registration and the following two years.
- (e) the holding company shall furnish records and returns and provide a certificate of compliance, and references in regulation 21 and Schedule 4—
- (i) to a producer shall be read as references to the holding company, and
 - (ii) to information shall be read as references to information regarding each company in the group registration.

Textual Amendments

- F34** Words in [Regulations](#) substituted (11.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/345\)](#), regs. 1, **2(2)**
- F57** Words in [Sch. 9 para. 5\(b\)\(iii\)](#) substituted (1.1.2011) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/396\)](#), regs. 1(1), **23(c)**

Commencement Information

- I45** Sch. 9 para. 5 in operation at 5.4.2007, see [reg. 1\(1\)](#)

6. This Schedule is subject to the provisions of Schedule 11.

Commencement Information

- I46** Sch. 9 para. 6 in operation at 5.4.2007, see [reg. 1\(1\)](#)

SCHEDULE 10

Regulation 38

LICENSORS AND PUB OPERATING BUSINESSES

1. A head organisation has producer responsibility obligations in the situations set out in paragraph 3(1) below where the conditions in paragraph 3(2) below are met and, where a head organisation has producer responsibility obligations, paragraphs 6 and 7 below apply to determine those obligations.

Commencement Information

- I47** Sch. 10 para. 1 in operation at 5.4.2007, see [reg. 1\(1\)](#)

2. Paragraph 6 below applies to determine the producer responsibility obligations of a licensor and paragraph 7 below applies to determine the producer responsibility obligations of a pub operating business.

Commencement Information

I48 Sch. 10 para. 2 in operation at 5.4.2007, see [reg. 1\(1\)](#)

- 3.—(1) The situations referred to in paragraph 1 above are that—
- (a) the head organisation and one or more of his members would, but for a failure to satisfy one or both of the threshold tests in paragraph 3 of Schedule 1, each have producer responsibility obligations under these Regulations;
 - (b) two or more members of the head organisation would, but for a failure to satisfy one or both of the threshold tests in paragraph 3 of Schedule 1, each have producer responsibility obligations under these Regulations; or
 - (c) the head organisation has producer responsibility obligations under these Regulations and one or more of his members would, but for a failure to satisfy one or both of the threshold tests in paragraph 3 of Schedule 1, each have producer responsibility obligations under these Regulations.
- (2) The conditions referred to in paragraph 1 above are that—
- (a) the head organisation satisfies the threshold test relating to turnover in paragraph 3(a) of Schedule 1; and
 - (b) subject to paragraphs 4 and 5 below, the head organisation and one or more of his members, or his members alone, in one of the situations in paragraph 3(1)(a), (b) or (c) above, together satisfy the threshold test relating to packaging handled in paragraph 3(b) of Schedule 1.

Commencement Information

I49 Sch. 10 para. 3 in operation at 5.4.2007, see [reg. 1\(1\)](#)

4. Where the head organisation is a licensor, for the purposes of the threshold test in paragraph 3(b) of Schedule 1, packaging or packaging materials handled in one of the situations in paragraph 3(1)(a), (b) or (c) above shall only include—
- (a) packaging or packaging materials that bear a trade mark of the head organisation for which a licence to use such trade mark has been granted under the licence agreement;
 - (b) packaging associated with goods that bear a trade mark of the head organisation for which a licence to use such trade mark has been granted under the licence agreement; and
 - (c) where the member is obliged to—
 - (i) purchase goods in packaging;
 - (ii) purchase goods and associated packaging or packaging materials to be used to contain or protect such goods or to facilitate the handling of or for the presentation of such goods;
 - (iii) purchase packaging or packaging materials to be used to contain or protect such goods or to facilitate the handling of or for the presentation of such goods,

from the head organisation or, where the head organisation has negotiated some or all of the terms of the supply, a supplier nominated or authorised by the head organisation under the licence agreement, such packaging or packaging materials.

Commencement Information**I50** Sch. 10 para. 4 in operation at 5.4.2007, see [reg. 1\(1\)](#)

5. Where the head organisation is a pub operating business, for the purposes of the threshold test in paragraph 3(b) of Schedule 1, packaging or packaging materials handled in one of the situations in paragraph 3(1)(a), (b) or (c) above shall only include packaging or packaging materials that contain the goods that are the subject of the obligation to purchase from the head organisation or person nominated or authorised by that head organisation under the pub operating agreement, whether or not the goods have been packed or filled in the packaging or packaging materials when they are purchased by the member.

Commencement Information**I51** Sch. 10 para. 5 in operation at 5.4.2007, see [reg. 1\(1\)](#)

6. Where the head organisation is a licensor—

- (a) where there is a situation falling in paragraph 3(1)(a) or (b) above and the conditions in paragraph 3(2) above have been met, the head organisation is deemed to be a producer of a class or classes specified in an entry in Column 4 of Table 1 in Schedule 1 and has producer responsibility obligations in respect of his own activities, where applicable, and those of his members in respect of the packaging or packaging materials set out in paragraph 4; or
- (b) where there is a situation falling in paragraph 3(1)(c) above and the conditions in paragraph 3(2) above have been met, the head organisation, in addition to having producer responsibility obligations as a producer in respect of his own activities, is deemed to be a producer of a class or classes specified in an entry in Column 4 of Table 1 in Schedule 1 and has producer responsibility obligations in respect of the activities of his members in respect of the packaging or packaging materials set out in paragraph 4.

Commencement Information**I52** Sch. 10 para. 6 in operation at 5.4.2007, see [reg. 1\(1\)](#)

7. Where the head organisation is a pub operating business—

- (a) where there is a situation falling in paragraph 3(1)(a) or (b) above and the conditions in paragraph 3(2) above have been met, the head organisation is deemed to be a producer of a class or classes specified in an entry in Column 4 of Table 1 in Schedule 1 and has producer responsibility obligations in respect of his own activities, where applicable, and those of his members in respect of the packaging or packaging materials set out in paragraph 5; or
- (b) where there is a situation falling in paragraph 3(1)(c) above and the conditions in paragraph 3(2) above have been met, the head organisation, in addition to having producer responsibility obligations as a producer in respect of his own activities, is deemed to be a producer of a class or classes specified in an entry in Column 4 of Table 1 in Schedule 1 and has producer responsibility obligations in respect of the activities of its members in respect of the packaging or packaging materials set out in paragraph 5.

Commencement Information**I53** Sch. 10 para. 7 in operation at 5.4.2007, see [reg. 1\(1\)](#)

8. Where the head organisation does not have the information necessary for the purposes of paragraphs 4 to 7 above he shall use his best endeavours to obtain such information; and where despite having used his best endeavours he nevertheless does not have such information he shall produce his best estimate and that estimate shall be used for the purposes of paragraphs 4 to 7 above.

Commencement Information

I54 Sch. 10 para. 8 in operation at 5.4.2007, see [reg. 1\(1\)](#)

9. For the purposes of this Schedule—

- (a) “head organisation” means a licensor or pub operating business as defined in regulation 38; and
- (b) “member” means:
- (i) where the head organisation is a licensor, a licensee being the person granted a licence to use a trade mark by the licensor under a licence agreement as provided for in regulation 38; or
 - (ii) where the head organisation is a pub operating business, a tenant being the person granted a lease or tenancy by the pub operating business as provided for in regulation 38.

Commencement Information

I55 Sch. 10 para. 9 in operation at 5.4.2007, see [reg. 1\(1\)](#)

SCHEDULE 11

Regulation 39

MID-YEAR CHANGES

PART 1

SCHEME MEMBERSHIP

1. Subject to paragraphs 4 and 5 below, where a person who is a producer in respect of a year becomes a member of a registered scheme during that year, the recycling obligations] of the producer for that year, referred to in regulation 12(1), shall be performed through the scheme.

Textual Amendments

F34 Words in [Regulations](#) substituted (11.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/345\)](#), [regs. 1, 2\(2\)](#)

Commencement Information

I56 Sch. 11 para. 1 in operation at 5.4.2007, see [reg. 1\(1\)](#)

2. Where a person who is a producer in respect of a year ceases to be a member of a registered scheme during that year, he shall comply with his [^{F34}recycling obligations] for that year, calculated as provided in regulation 4 and Schedule 2.

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

Textual Amendments

F34 Words in [Regulations](#) substituted (11.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/345\)](#), regs. 1, **2(2)**

Commencement Information

I57 Sch. 11 para. 2 in operation at 5.4.2007, see [reg. 1\(1\)](#)

3. Where a person who is a producer in respect of a year ceases to be a member of one registered scheme (“the first scheme”) and becomes a member of another registered scheme (“the second scheme”) during that year, the first scheme shall not be required to perform any of the producer’s [^{F34}recycling obligations], referred to in regulation 12(1), and all such obligations shall be performed through the second scheme.

Textual Amendments

F34 Words in [Regulations](#) substituted (11.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/345\)](#), regs. 1, **2(2)**

Commencement Information

I58 Sch. 11 para. 3 in operation at 5.4.2007, see [reg. 1\(1\)](#)

PART 2

GROUP MEMBERSHIP

4. This Part applies where—
- (a) a company joins a group of companies and becomes a company to which paragraph 1 of [^{F58}Schedule 9] applies; or
 - (b) a holding company or subsidiary company to which paragraph 1 of Schedule 9 applies ceases to belong to a group of companies.

Textual Amendments

F58 Words in [Sch. 11 para. 4\(a\)](#) substituted (1.1.2011) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/396\)](#), regs. 1(1), **24(a)**

Commencement Information

I59 Sch. 11 para. 4 in operation at 5.4.2007, see [reg. 1\(1\)](#)

5. Where paragraph 4(a) above applies the company shall either—
- (a) be registered separately with the Department as required by regulation 6; or
 - (b) be registered with the Department as part of a group registration under [^{F59}Schedule 9] and for the purposes of this paragraph—
 - (i) such registration is effected upon notice being given by the holding company to the Department of the change in the group registration; and
 - (ii) where prior to joining the group of companies the company was registered with the Department, the Department shall cancel the company’s registration and

regulation 11(3) shall apply to that cancellation as it applies to a cancellation under regulation 11(2).

Textual Amendments

F59 Words in Sch. 11 para. 5(b) substituted (1.1.2011) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/396), regs. 1(1), **24(a)**

Commencement Information

I60 Sch. 11 para. 5 in operation at 5.4.2007, see **reg. 1(1)**

6. Where—

- (a) paragraph 4(a) above applies;
- (b) in relation to the obligation year the company itself satisfies the threshold tests; and
- (c) the company is registered as part of a group registration,

the holding company shall comply with the requirements of the company's [^{F34}recycling obligations] for the year in which it joins the group.

Textual Amendments

F34 Words in Regulations substituted (11.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/345), regs. 1, **2(2)**

Commencement Information

I61 Sch. 11 para. 6 in operation at 5.4.2007, see **reg. 1(1)**

7. Where—

- (a) paragraph 4(a) above applies;
- (b) in relation to the obligation year the company itself satisfies the threshold tests; and
- (c) the company is registered separately with the Department;

the company shall comply with its [^{F34}recycling obligations] for the year in which it joins the group.

Textual Amendments

F34 Words in Regulations substituted (11.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/345), regs. 1, **2(2)**

Commencement Information

I62 Sch. 11 para. 7 in operation at 5.4.2007, see **reg. 1(1)**

8. Where—

- (a) paragraph 4(a) above applies;
- (b) in relation to the obligation year the company itself does not satisfy the threshold tests; and
- (c) the company is registered as part of a group registration;

the holding company shall comply with a proportion of the requirements of the company's [^{F34}recycling obligations] for the year in which it joins the group, such proportion being calculated as provided in paragraph 16 below.

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

Textual Amendments

F34 Words in [Regulations](#) substituted (11.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/345\)](#), regs. 1, **2(2)**

Commencement Information

I63 Sch. 11 para. 8 in operation at 5.4.2007, see [reg. 1\(1\)](#)

9. Where—

- (a) paragraph 4(a) above applies;
- (b) in relation to the obligation year the company itself does not satisfy the threshold tests; and
- (c) the company is registered separately with the Department;

the company shall comply with a proportion of its [^{F34}recycling obligations] for the year in which it joins the group, such proportion being calculated as provided in paragraph 16 below.

Textual Amendments

F34 Words in [Regulations](#) substituted (11.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/345\)](#), regs. 1, **2(2)**

Commencement Information

I64 Sch. 11 para. 9 in operation at 5.4.2007, see [reg. 1\(1\)](#)

10. Where—

- (a) paragraph 4(b) above applies; and
- (b) in relation to the obligation year the company itself satisfies the threshold tests;

it shall register with the Department as required by regulation 6 within 28 days of ceasing to be a member of a group and regulations 7 to 11 shall apply as if this were an occurrence specified in regulation 7(3)(d).

Commencement Information

I65 Sch. 11 para. 10 in operation at 5.4.2007, see [reg. 1\(1\)](#)

11. Where—

- (a) paragraph 4(b) above applies;
- (b) in relation to the obligation year the company itself satisfies the threshold tests; and
- (c) the company was registered as part of a group registration;

the holding company shall comply with the requirements of the company's [^{F34}recycling obligations] for the year in which it ceases to be a member of the group.

Textual Amendments

F34 Words in [Regulations](#) substituted (11.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/345\)](#), regs. 1, **2(2)**

Commencement Information

I66 Sch. 11 para. 11 in operation at 5.4.2007, see [reg. 1\(1\)](#)

12. Where—

- (a) paragraph 4(b) above applies;
- (b) in relation to the obligation year the company itself satisfies the threshold tests; and
- (c) the company is registered separately with the Department;

the company shall comply with its [^{F34}recycling obligations] for the year in which it ceases to be a member of the group.

Textual Amendments

F34 Words in [Regulations](#) substituted (11.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/345\)](#), regs. 1, [2\(2\)](#)

Commencement Information

I67 Sch. 11 para. 12 in operation at 5.4.2007, see [reg. 1\(1\)](#)

13. Where—

- (a) paragraph 4(b) above applies;
- (b) in relation to the obligation year the company itself does not satisfy the threshold tests; and
- (c) the company was registered as part of a group registration;

the holding company shall comply with the requirements of the company's [^{F34}recycling obligations] for the year in which it ceases to be a member of the group.

Textual Amendments

F34 Words in [Regulations](#) substituted (11.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/345\)](#), regs. 1, [2\(2\)](#)

Commencement Information

I68 Sch. 11 para. 13 in operation at 5.4.2007, see [reg. 1\(1\)](#)

14. Where—

- (a) paragraph 4(b) above applies;
- (b) in relation to the obligation year the company itself does not satisfy the threshold tests; and
- (c) the company was registered separately with the Department;

the holding company shall comply with the requirements of the company's [^{F34}recycling obligations] for the year in which it ceases to be a member of the group.

Textual Amendments

F34 Words in [Regulations](#) substituted (11.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/345\)](#), regs. 1, [2\(2\)](#)

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

Commencement Information

I69 Sch. 11 para. 14 in operation at 5.4.2007, see [reg. 1\(1\)](#)

15. Where in a relevant year paragraph 4 above applies to a company as a result of that company ceasing to be a member of one group (“the first group”) and becoming a member of another group (“the second group”)—

- (a) where in relation to each group the company is registered as part of a group registration, the first group shall comply with the requirements of the company’s [^{F34}recycling obligations] for the year in which the company ceases to be a member of that group and the second group shall comply with those requirements in the following and any subsequent year in which the company is a member of the second group;
- (b) where in relation to each group the company is registered separately with the Department, the company shall comply with its [^{F34}recycling obligations] for the year;
- (c) where in relation to the first group the company was registered as part of a group registration and in relation to the second group the company is registered separately with the Department, the holding company shall comply with the requirements of the company’s [^{F34}recycling obligations] for the year in which the company ceases to be a member of that group and the company itself shall comply with its [^{F34}recycling obligations] for any subsequent year; or
- (d) where in relation to the first group the company was registered separately with the Department and in relation to the second group the company is registered as part of a group registration, the company itself shall comply with its [^{F34}recycling obligations] for the year in which it joins the group and the holding company shall comply with the requirements of the company’s [^{F34}recycling obligations] for any subsequent year.

Textual Amendments

F34 Words in [Regulations](#) substituted (11.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/345\)](#), regs. 1, [2\(2\)](#)

Commencement Information

I70 Sch. 11 para. 15 in operation at 5.4.2007, see [reg. 1\(1\)](#)

16. The proportion referred to in paragraphs 8 and 9 above shall be calculated as follows—

□/■

where—

- “G” is the number of days in the relevant year during which the company was a member of the group;
- “H” is the number of days in the relevant year; and
- “G / H” is the proportion.

Commencement Information

I71 Sch. 11 para. 16 in operation at 5.4.2007, see [reg. 1\(1\)](#)

17. For the purposes of this Part of this Schedule, the “threshold tests” means the threshold tests provided in paragraph 3 of Schedule 1.

Commencement Information

I72 Sch. 11 para. 17 in operation at 5.4.2007, see [reg. 1\(1\)](#)

PART 3

INCAPACITY

18. Where in a relevant year a producer dies or becomes bankrupt or incapacitated (“the first producer”) that person shall cease to have any producer responsibility obligations for that year and any person who carries on the activities of the first producer following that event shall be treated as a producer and shall have the producer responsibility obligations of the producer for that year.

Commencement Information

I73 Sch. 11 para. 18 in operation at 5.4.2007, see [reg. 1\(1\)](#)

19. Any person carrying on the activities of the first producer referred to in paragraph 18 above shall within 28 days of commencing to do so—

- (a) inform the Department in writing of that fact and the date of the death, the date of bankruptcy or the nature of the incapacity and the date on which it began; and
- (b) apply to be registered as required by regulation 6 ^{F60}....

Textual Amendments

F60 Words in [Sch. 11 para. 19\(b\)](#) omitted (1.1.2011) by virtue of [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/396\)](#), [regs. 1\(1\)](#), [24\(b\)](#)

Commencement Information

I74 Sch. 11 para. 19 in operation at 5.4.2007, see [reg. 1\(1\)](#)

20. In relation to a producer which is a company, the references to a person becoming bankrupt or incapacitated in paragraph 18 above shall be construed as references to it going into liquidation or receivership or entering administration.

Commencement Information

I75 Sch. 11 para. 20 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.