

---

DRAFT SCOTTISH STATUTORY INSTRUMENTS

---

**2020 No.**

**The Deposit and Return Scheme for Scotland Regulations 2020**

**PART 1**

**General**

**Citation and commencement**

1.—(1) These Regulations may be cited as the Deposit and Return Scheme for Scotland Regulations 2020.

(2) Parts 1, 4 and 6 come into force on the day after the day on which these Regulations are made.

(3) In Part 5, regulations 22 to 25 come into force on 1 January 2021.

(4) Part 3 comes into force on 1 January 2022.

(5) Parts 2 and 7, and the remaining provisions of Part 5 come into force on 1 July 2022.

**Interpretation**

2.—(1) In these Regulations—

“authorised person” means a person authorised by SEPA under regulation 30(3),

“consumer” means a person who is acting for purposes which are outside that person’s trade, business, craft or profession,

“deposit” has the meaning given in regulation 5(1),

“drink” means a beverage intended for human consumption, including concentrated soft drinks,

“enforcement powers” means the powers specified in regulation 30(4),

“export shop” has the same meaning as in regulation 3 of the Excise Goods (Export Shops) Regulations 2000<sup>(1)</sup>,

“hospitality retailer” is a retailer that sells a scheme article exclusively for the purpose of its consumption on the premises of sale,

“non-scheme article” has the meaning given in regulation 3(2),

“online retail sale” is a retail sale through a website or online marketplace, and related expressions are to be construed accordingly,

“operator” in relation to a website or online marketplace means the person who controls access to, and the content of, the website or online marketplace,

“PET plastic” means polyethylene terephthalate,

“producer” has the meaning given in regulation 6,

---

(1) [S.I. 2000/645](#).

“registered producer” means a producer registered with SEPA for the purposes of these Regulations in accordance with chapter 2 of Part 3,

“registered through a scheme administrator” has the meaning given in regulation 12(1),

“relevant year” means any calendar year in which a person is a producer,

“retailer” has the meaning given in regulation 18(1),

“retail sale” means a sale to a consumer,

“return point” means a place at which a person (whether the purchaser of the scheme article or otherwise) can return scheme packaging and receive payment of a sum equal to the deposit for each item of scheme packaging returned,

“return point operator” has the meaning given in regulation 20(1),

“scheme administrator” means a person that has been approved to carry out the functions specified in regulation 13(2) and to fulfil the obligations specified in regulation 16,

“scheme article” has the meaning given in regulation 3(2),

“scheme packaging” has the meaning given in regulation 3(2),

“SEPA” means the Scottish Environment Protection Agency<sup>(2)</sup>,

“single-use packaging” has the meaning given in regulation 3(2),

“takeback service” has the meaning given in regulation 21(1),

“vending machine” means an automatic machine for the sale of a scheme article (regardless of whether the machine also sells other products),

“wholesaler” has the meaning given in regulation 11(4),

“writing” and “written” include electronic communications within the meaning of section 15(1) (general interpretation) of the Electronic Communications Act 2000<sup>(3)</sup>, which have been recorded and are consequently capable of being reproduced in written form.

(2) In the definition of “drink”, “concentrated soft drink” means any soft drink in liquid form intended for human consumption after dilution, but does not include concentrates used in the manufacture of soft drinks and which are not intended for retail sale without further processing.

(3) In the definitions of “online retail sale” and “operator”, “online marketplace” means any means by which information is made available over the internet, through which a person other than the operator is able to offer goods for sale (whether or not the operator also does so).

### **Scheme articles and scheme packaging**

**3.—**(1) The deposit and return scheme established by these Regulations applies to—

- (a) a scheme article, and
- (b) scheme packaging in which a scheme article is contained or sold.

(2) For the purposes of these Regulations—

“non-scheme article” means an article that meets the criteria in sub-paragraphs (a) and (c) of the definition of “scheme article” in this paragraph, but does not meet the criteria in sub-paragraph (b) of that definition,

“scheme article” means a drink (regardless of whether it is sold alone or as a unit in a multipack) that is—

- (a) contained and sold in packaging that—

---

(2) SEPA is established by section 20 of the Environment Act 1995 (c.25).

(3) 2000 c.7. Section 15(1) was amended by paragraph 158 of schedule 17 of the Communications Act 2003 (c.21).

- (i) is made wholly or mainly from PET plastic, glass, steel or aluminium,
  - (ii) is conceived or designed to—
    - (aa) contain at least 50 millilitres and no more than 3 litres of liquid, and
    - (bb) be sealed in an airtight and watertight state at the point of sale,
  - (iii) cannot be returned to its state at the point of sale by the consumer, and
  - (iv) is single-use packaging,
- (b) first made available to be marketed, offered for sale or sold by the producer on or after 1 July 2022, and
  - (c) made available to be marketed, offered for sale or sold by the producer for the purposes of its retail sale in Scotland.

“scheme packaging” means the packaging for a scheme article that is conceived or designed to come in direct contact with the drink, and does not include packaging conceived or designed to group together multiple components in a multipack.

“single-use packaging” means packaging for a drink that is not conceived, designed or placed on the market to accomplish, within its life span—

- (a) multiple refills by a consumer,
- (b) multiple trips or rotations by being returned to a producer to be refilled by that producer for the same purpose for which it was conceived.