
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2020 No.

The Deposit and Return Scheme for Scotland Regulations 2020

PART 5

Retailers and return points

CHAPTER 1

Retailers

Retailers

18.—(1) For the purposes of these Regulations, a “retailer” is a person who markets, offers for sale or sells a scheme article to a consumer in Scotland.

(2) For the purpose of paragraph (1), the following is to be regarded as the person who markets, offers for sale or sells the scheme article—

- (a) in the case of an online retail sale, the operator,
- (b) in the case of a vending machine sale—
 - (i) where the machine is marked with the name and address of its owner, that owner, or
 - (ii) otherwise, the person with the management and control of the premises on which the machine stands or to which it is affixed.

(3) Where an article is sold or is to be sold to a consumer in Scotland, the article is to be treated for the purpose of these Regulations as having been marketed or offered for retail sale, or sold by way of retail sale, in Scotland regardless of whether the retailer has a registered or principal office in Scotland, or where the site of sale is.

(4) In this Part—

“distance retail sale” is a sale of a scheme article to a consumer in Scotland where the site of delivery and the site of sale are a distance from each other,

“site of delivery” is the place where the consumer first gains physical possession of the scheme article,

“site of sale” is the premises of the retailer where the order for purchase of a scheme article is received.

Retailer obligations

19.—(1) Subject to paragraph (2), a retailer must—

- (a) comply with the obligations in regulations 5(2) and (3),
- (b) operate a return point in accordance with regulation 20 at any retail premises in Scotland in which a scheme article is marketed, offered for sale or sold by that retailer,
- (c) clearly display information about how a deposit can be redeemed—

- (i) in the case of a scheme article marketed, offered for sale or sold on the retailer's premises, on that premises,
 - (ii) in the case of a scheme article marketed, offered for sale or sold by way of distance retail sale, in any place where the scheme article is displayed for sale,
 - (iii) in the case of a scheme article marketed, offered for sale or sold by way of a vending machine, on the vending machine.
- (2) Paragraph (1)(b) does not apply to premises—
- (a) in respect of which an exemption has been granted in accordance with regulation 22,
 - (b) that are an export shop,
 - (c) where the sale of a scheme article on those premises is solely by way of a vending machine,
 - (d) where the sale of a scheme article on those premises is solely by way of a distance retail sale (in which case the obligation in regulation 21 applies),
 - (e) of a hospitality retailer that does not sell any scheme articles for consumption off the premises of sale.