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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2020 No.**

The Deposit and Return Scheme for Scotland Regulations 2020

PART 5

Retailers and return points

CHAPTER 2

Return of scheme packaging

**Takeback services**

**21.**—(1) For the purpose of these Regulations, a “takeback service” is a service provided by the retailer enabling—

- (a) an item of scheme packaging in which a scheme article is contained and sold by a retailer to a consumer to be collected by or on behalf of that retailer from the site of delivery for the purposes of its return to—
  - (i) that retailer (including through a return point), or
  - (ii) the producer, and
- (b) the payment to that consumer of a sum equal to the deposit for each item of scheme packaging so collected and returned.

(2) Subject to paragraph (3), a retailer that has sold a scheme article through a distance retail sale must provide a takeback service free of charge to the consumer that purchased the scheme article.

(3) A retailer providing a takeback service may apply a charge not exceeding the cost of materials used in respect of the collection and storage of that scheme packaging, subject to the requirement to reimburse the consumer in accordance with paragraph (4).

(4) Unless paragraph (5) applies, a retailer providing a takeback service must—

- (a) pay to the consumer a sum equal to the deposit for each item of scheme packaging returned to the retailer or, as the case may be, the producer, and
- (b) reimburse the consumer for any charge applied under paragraph (3).

(5) This paragraph applies if any returned item of packaging—

- (a) is not identifiable as scheme packaging,
- (b) is soiled,
- (c) is not intact, or
- (d) is not empty.