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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 4**

**Voluntary return point operators**

**Voluntary return point operators**

**25.**—(1) A person may operate a return point at a place other than a premises on which a return point must be operated under regulation 19(1)(b), if they are registered with the Scottish Ministers as a voluntary return point operator in accordance with this regulation.

(2) An application for registration must—

- (a) be made in writing,
- (b) contain the information set out in schedule 4, and
- (c) include any information requested by the Scottish Ministers.

(3) Within 28 days of receipt of an application the Scottish Ministers must—

- (a) where the application complies with paragraph (2), grant it, or
- (b) otherwise, refuse it.

(4) Where the application is granted the Scottish Ministers must, within 7 days of the date on which it is granted, give notice of that decision in writing to the voluntary return point operator and the date that it takes effect.

(5) Where the application is granted, the return point operator will be treated as registered from the date specified in the notification given under paragraph (4) until any cancellation of the registration in accordance with paragraph (10).

(6) The Scottish Ministers must publish and maintain a list of voluntary return points whose operators are registered under this regulation, in such manner as they consider appropriate.

(7) Where the application is refused, the Scottish Ministers must, within 7 days of the date on which it is refused, give notice of that decision together with the reasons for it.

(8) A registered voluntary return point operator must—

- (a) comply with the obligations in regulation 20, and
- (b) notify the Scottish Ministers of any material change in the information provided in accordance with paragraph (2).

(9) A registered voluntary return point operator must comply with paragraph (8) from the date of receipt of the notice referred to in paragraph (4), or any later date specified in that notice.

(10) The Scottish Ministers may cancel the registration of a voluntary return point operator where it appears that—

- (a) the operator has not complied with the obligations in paragraph (8),
  - (b) there has been a material change in the information provided in accordance with paragraph (2), or
  - (c) the registered voluntary return point operator has requested their registration be cancelled.
- (11) Before cancelling the registration under paragraph (10), the Scottish Ministers must serve on the return point operator written notice of—
- (a) the decision to cancel and the reasons for it, and
  - (b) the date when the cancellation will take effect.