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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2020 No.**

The Deposit and Return Scheme for Scotland Regulations 2020

PART 2

The deposit and return scheme

**Sale of articles**

4.—(1) Where an article meets the criteria in both sub-paragraphs (a) and (b) of the definition of “scheme article” in regulation 3(2), a person may only market, offer for sale or sell that article to a consumer in Scotland if it also complies with paragraph (c) of that definition.

(2) A person may only market, offer for sale or sell a scheme article to a consumer in Scotland if the producer of that article for the purposes of regulation 6(1), is a registered producer.

(3) For the purpose of paragraphs (1) and (2) 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.