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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2020 No.**

The Deposit and Return Scheme for Scotland Regulations 2020

PART 3

Producers

CHAPTER 1

Definition of a producer

**Producers**

- 6.—(1) A producer in respect of a scheme article is—
- (a) in the case of a scheme article branded in the United Kingdom, the brand owner,
  - (b) in the case of a scheme article branded by a brand owner outside the United Kingdom, the importer.
- (2) The operator in respect of an online retail sale is to be regarded as the importer for the purposes of paragraph (1) where a scheme article is being sold—
- (a) for the first time in the United Kingdom,
  - (b) to a consumer in Scotland, and
  - (c) by way of a retail sale.
- (3) In this regulation—
- “brand owner” means the person who, in the course of a trade, business, craft or profession, puts a name, trade mark or other distinguishing mark on a scheme article or scheme packaging by which the person is held out to be a manufacturer or the originator of the scheme article, and “branded” is to be construed accordingly,
- “importer” means the person who, in the course of a trade, business, craft or profession, first markets, offers for sale or sells the scheme article in the United Kingdom.