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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 2**

**Registration of a producer**

**Cancellation of registration of producers**

- 9.—(1) SEPA may cancel the registration of a producer where it appears to it that—
- (a) the producer is in breach of any of the producer obligations specified in regulations 10(1) or 11(1),
  - (b) the producer is in breach of the obligation specified in regulation 5(2)(a),
  - (c) a registered producer has failed to submit an application in accordance with regulation 7(2) (a) or (c),
  - (d) an application for registration of that producer has been refused,
  - (e) the producer or a scheme administrator acting on behalf of the producer knowingly or recklessly supplied false information in connection with an application for registration, or compliance with any of the producer obligations specified in regulation 10(1) or 11(1).
- (2) SEPA must cancel the registration of a producer where it is notified under regulation 10(1) (d) that the producer has ceased to be a producer.
- (3) Before cancelling the registration under paragraph (1), SEPA must serve written notice of—
- (a) the decision to cancel and the reasons for it,
  - (b) the date when the cancellation is intended to take effect, not being earlier than the time limit for making an appeal against the decision provided for in Part 6,
  - (c) the opportunity to make representations to SEPA and the deadline for receipt of such representations, and
  - (d) the right of appeal under Part 6.
- (4) SEPA must consider any representations made by the producer or, as the case may be, a scheme administrator before cancellation takes effect and may withdraw the notice at any time before it takes effect.
- (5) The date when the cancellation takes effect must not be earlier than—
- (a) in the case of cancellation under paragraph (1), the expiration of the time limit for making an appeal against the decision provided for in Part 6,
  - (b) in the case of cancellation under paragraph (2), 28 days from the date of the notification from the producer in accordance with 10(1)(d),

- (c) in the case where an application for appeal against the decision is submitted and the decision to cancel that producer’s registration is upheld, the date that the producer receives notification under regulation 27(7).
- (6) The notice referred to in paragraph (3) must be served on—
  - (a) the producer, or
  - (b) where a producer was registered through a scheme administrator, the producer and the scheme administrator.
- (7) Despite the cancellation of a producer’s registration in accordance with this regulation, the producer must continue to comply with the following regulations as if that producer was still a registered producer—
  - (a) regulation 11(1)(a) and (b),
  - (b) regulation 11(1)(c) to (h).
- (8) For the purposes of paragraph (7), the reference in regulation 11(1)(e), (f) and (g) to “the producer’s operational plan” means the operational plan submitted with that producer’s most recent application for registration that was granted by SEPA.