
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 154

The Deposit and Return Scheme for Scotland Regulations 2020

PART 5

Retailers and return points

CHAPTER 3

Exemptions for return points

Application for exemption of a return point

24.—(1) A retailer may apply to the Scottish Ministers for an exemption from the obligation specified in regulation 19(1)(b).

(2) An application for exemption in accordance with regulation 22(1)(a) must—

- (a) be made in writing,
- (b) include information about the location of the alternative return point and the agreement of that return point operator as required under that regulation, and
- (c) include any other information requested by the Scottish Ministers.

(3) An application for exemption in accordance with regulation 22(1)(b) must—

- (a) be made in writing,
- (b) include information demonstrating that the location, layout, design, or construction of the retail premises does not permit, or cannot be reasonably altered to permit, the operation of a return point on the premises without significant risk of the retailer being in breach of legal obligations relating to any of the matters listed at regulation 22(1)(b), and
- (c) include any other information requested by the Scottish Ministers.

(4) Within 28 days of receipt of an application the Scottish Ministers may grant the application where satisfied that the relevant conditions in regulation 22(1)(a) or, as the case may be, (b), are met.

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