

SCHEDULES

SCHEDULE 1

Regulation 7(3)(b)

Producer Registration: Information to be contained in an application for producer registration

1. The name (including business name) of the producer.

.....
Commencement Information

I1 Sch. 1 para. 1 in force at 1.1.2022, see **reg. 1(4)**

2. The address and telephone number of the registered or principal office of the producer.

.....
Commencement Information

I2 Sch. 1 para. 2 in force at 1.1.2022, see **reg. 1(4)**

3. The company registration number as kept by Companies House.

.....
Commencement Information

I3 Sch. 1 para. 3 in force at 1.1.2022, see **reg. 1(4)**

4. The name and telephone number of a contact person for the producer, and, where available, a fax number and email address for that person.

.....
Commencement Information

I4 Sch. 1 para. 4 in force at 1.1.2022, see **reg. 1(4)**

5. Where the producer is a partnership, the names of all the partners.

.....
Commencement Information

I5 Sch. 1 para. 5 in force at 1.1.2022, see **reg. 1(4)**

6. Where relevant, the code for an activity in the UK Standard Industrial Classification of Economic Activities 2007 (SIC 2007)(1), as amended from time to time.

.....
Commencement Information

I6 Sch. 1 para. 6 in force at 1.1.2022, see **reg. 1(4)**

(1) A copy of the UK Standard Industrial Classification of Economic Activities can be found at: <https://www.ons.gov.uk/methodology/classificationsandstandards/ukstandardindustrialclassificationofeconomicactivities> .

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7. The number of scheme articles first made available by that producer to be marketed, offered for sale or sold for the purposes of its retail sale in Scotland in the previous calendar year and the primary packaging material of those scheme articles.

Commencement Information

I7 Sch. 1 para. 7 in force at 1.1.2022, see [reg. 1\(4\)](#)

8. Relevant information that supports the identification of scheme articles first marketed, offered for sale or sold for the purposes of retail sale in Scotland by that producer, including—

- (a) any trade mark or distinguishing marks placed on scheme articles or scheme packaging which assists in identifying the producer,
- (b) any unique codes or marks designed to support the capture of data relating to the scheme article or scheme packaging (for example, a European Article Number).

Commencement Information

I8 Sch. 1 para. 8 in force at 1.1.2022, see [reg. 1\(4\)](#)

9. The number of scheme articles that share characteristics listed in accordance with paragraph 8 that were first made available to be marketed, offered for sale or sold for the purposes of its retail sale in Scotland by the producer in the previous calendar year.

Commencement Information

I9 Sch. 1 para. 9 in force at 1.1.2022, see [reg. 1\(4\)](#)

10. The number of scheme articles the producer anticipates it will ^{F1}market, offer for sale or sell for the purposes of] retail sale in Scotland in the calendar year in which the application is being made.

Textual Amendments

F1 Words in [sch. 1 para. 10](#) substituted (30.6.2023) by [The Deposit and Return Scheme for Scotland Amendment Regulations 2023 \(S.S.I. 2023/201\)](#), regs. 1, [19\(a\)](#) (with [reg. 22](#))

Commencement Information

I10 Sch. 1 para. 10 in force at 1.1.2022, see [reg. 1\(4\)](#)

11. An operational plan that demonstrates how the producer intends to comply with the obligations in regulations 10 and 11.

Commencement Information

I11 Sch. 1 para. 11 in force at 1.1.2022, see [reg. 1\(4\)](#)

^{F2}12. If the producer is also a producer of a low volume drink product—

- (a) relevant information that supports the identification of low volume drink products first marketed, offered for sale or sold for the purposes of retail sale in Scotland by that producer, including—

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- (i) any trade mark or distinguishing marks placed on low volume drink products or their packaging which assists in identifying the producer,
 - (ii) any unique codes or marks designed to support the capture of data relating to the low volume drink product (for example, a European Article Number).
- (b) the number of low volume drink products that share characteristics listed in paragraph (a) first made available by that producer to be marketed, offered for sale or sold for the purposes of retail sale in Scotland in the previous calendar year,
- (c) the number of low volume drink products that the producer anticipates it will market, offer for sale or sell for the purposes of retail sale in Scotland in the calendar year in which the producer is registered.]

Textual Amendments

F2 Sch. 1 para. 12 inserted (30.6.2023) by The Deposit and Return Scheme for Scotland Amendment Regulations 2023 (S.S.I. 2023/201), regs. 1, **19(b)** (with reg. 22)

SCHEDULE 2

Regulation 14(2)(b)

Scheme administrator approval: Information to be contained
in an application for scheme administrator approval

1. The name (including business name) of the scheme administrator.

Commencement Information

I12 Sch. 2 para. 1 in force at 20.5.2020, see **reg. 1(2)**

2. The address and telephone number of the registered or principal office of the scheme administrator.

Commencement Information

I13 Sch. 2 para. 2 in force at 20.5.2020, see **reg. 1(2)**

3. The address for service of notices if different from that in paragraph 2.

Commencement Information

I14 Sch. 2 para. 3 in force at 20.5.2020, see **reg. 1(2)**

4. Information which demonstrates—
- (a) that the scheme administrator is likely to subsist for a period of at least 5 years,
 - (b) in the form of an operational plan, how the scheme administrator intends to comply with regulations 10 and 11 on behalf of any producer registered or to be registered following the grant of an application made or to be made by the scheme administrator in accordance with regulation 7(1)(b).

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Commencement Information
I15 Sch. 2 para. 4 in force at 20.5.2020, see [reg. 1\(2\)](#)

5. A copy of the constitution of the scheme administrator or founding document if it exists.

Commencement Information
I16 Sch. 2 para. 5 in force at 20.5.2020, see [reg. 1\(2\)](#)

6. A copy of the rules and procedures applicable to producers that the scheme administrator is acting on behalf of.

Commencement Information
I17 Sch. 2 para. 6 in force at 20.5.2020, see [reg. 1\(2\)](#)

SCHEDULE 3

Regulation 11(1)(h)

Collection targets

1. The minimum collection targets which a producer must meet in respect of scheme packaging containing a scheme article each calendar year are as follows—

- ^{F3}(a)
- (b) for the calendar year [^{F4}beginning 1 January 2026 and ending 31 December 2026], 80% of the number of items of scheme packaging first made available to be marketed, offered for sale or sold for the purposes of its retail sale in Scotland by that producer in that year,
- (c) subject to sub-paragraph (d), for the calendar year beginning [^{F5}1 January 2027] and each subsequent calendar year, 90% of the number of items of scheme packaging first made available to be marketed, offered for sale or sold for the purposes of its retail sale in Scotland by that producer in that calendar year,
- (d) the target in sub-paragraph (c) must include a minimum of—
 - (i) 85% of the number of items of scheme packaging first made available to be marketed, offered for sale or sold for the purposes of its retail sale in Scotland by that producer made mainly or wholly from PET plastic,
 - (ii) 85% of the number of items of scheme packaging first made available to be marketed, offered for sale or sold for the purposes of its retail sale in Scotland by that producer made mainly or wholly from glass,
 - (iii) 85% of the number of items of scheme packaging first made available to be marketed, offered for sale or sold for the purposes of its retail sale in Scotland by that producer made mainly or wholly from steel or aluminium.

Textual Amendments
F3 Sch. 3 para. 1(a) omitted (25.2.2022) by virtue of [The Deposit and Return Scheme for Scotland Amendment Regulations 2022 \(S.S.I. 2022/76\)](#), regs. 1(1), 13 (with reg. 15)

Changes to legislation: The Deposit and Return Scheme for Scotland Regulations 2020 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F4** Words in sch. 3 para. 1(b) substituted (3.11.2023) by The Deposit and Return Scheme for Scotland (Miscellaneous Amendment) Regulations 2023 (S.S.I. 2023/334), regs. 1, **9(a)**
- F5** Words in sch. 3 para. 1(c) substituted (3.11.2023) by The Deposit and Return Scheme for Scotland (Miscellaneous Amendment) Regulations 2023 (S.S.I. 2023/334), regs. 1, **9(b)**

Commencement Information

- I18** Sch. 3 para. 1 in force at 1.1.2022, see **reg. 1(4)**

SCHEDULE 4

Regulation 25(2)(b)

Registration of a voluntary return point operator:
Information to be contained in an application for registration

1. The name (including business name), of the person who will be the return point operator.

Commencement Information

- I19** Sch. 4 para. 1 in force at 1.1.2021, see **reg. 1(3)**

2. The address and telephone number of the registered or principal office of that operator.

Commencement Information

- I20** Sch. 4 para. 2 in force at 1.1.2021, see **reg. 1(3)**

3. The address and telephone number of the proposed return point if different from that in paragraph 2.

Commencement Information

- I21** Sch. 4 para. 3 in force at 1.1.2021, see **reg. 1(3)**

4. Information about the accessibility of the proposed return point including—
- (a) the physical location of it,
 - (b) routes of access to it, and
 - (c) its proposed hours of operation.

Commencement Information

- I22** Sch. 4 para. 4 in force at 1.1.2021, see **reg. 1(3)**

5. Information which demonstrates—
- (a) that the applicant has sufficient resources to set up and operate the return point for the first year of operation,
 - (b) the number of items of scheme packaging the applicant expects to be returned to them in an average month and how this has been calculated,
 - (c) how the applicant intends to manage this volume of returns.

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Commencement Information

I23 Sch. 4 para. 5 in force at 1.1.2021, see **reg. 1(3)**

[^{F6}6. Confirmation in writing that—

- (a) all registered producers have agreed that the applicant may operate a return point on their behalf,
- (b) in the case of producers registered through a scheme administrator, the scheme administrator on behalf of the producers has agreed that the applicant may operate a return point, or
- (c) in the case where no producers are registered, but a scheme administrator has been approved, the scheme administrator has agreed that the applicant may operate a return point.]

Textual Amendments

F6 Sch. 4 para. 6 substituted (25.2.2022) by [The Deposit and Return Scheme for Scotland Amendment Regulations 2022 \(S.S.I. 2022/76\)](#), regs. 1(1), **14** (with reg. 15)

[^{F7}SCHEDULE 5

LOW VOLUME DRINK PRODUCTS

Textual Amendments

F7 Sch. 5 inserted (30.6.2023) by [The Deposit and Return Scheme for Scotland Amendment Regulations 2023 \(S.S.I. 2023/201\)](#), reg. 1, **sch.** (with reg. 22)

Producer of a low volume drink product

1. A producer in respect of a low volume drink product which meets the conditions set out in paragraph 2 is the person who markets, offers for sale or sells a low volume drink product to a consumer in Scotland (“the low volume drink product retailer”).

2. The conditions are that—

- (a) an item of packaging, in which that low volume drink product is contained or sold, is filled and sealed by the low volume drink product retailer, and
- (b) the low volume drink product is sold by the low volume drink product retailer to a consumer for consumption in any place other than on the premises of sale.

3. A producer in respect of any other low volume drink product is—

- (a) in the case of a low volume drink product branded in the United Kingdom, the brand owner,
- (b) in the case of a low volume drink product branded by a brand owner outside the United Kingdom, the importer.

4. The operator in respect of an online retail sale is to be regarded as the importer for the purposes of paragraph 3 where a low volume drink product is being sold—

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- (a) for the first time in the United Kingdom,
- (b) to a consumer in Scotland, and
- (c) by way of a retail sale.

Application to be listed by producer of a low volume drink product

5. An application must be made by a producer of a low volume drink product to SEPA to be listed as a producer of a low volume drink product.

6. An application under paragraph 5 must be made—
- (a) before [F813 August 2025],
 - (b) before 1 March in any subsequent relevant year,
 - (c) within 28 days of becoming a producer of a low volume product drink.

Textual Amendments

F8 Words in [Sch. 5 para. 6\(a\)](#) substituted (3.11.2023) by [The Deposit and Return Scheme for Scotland \(Miscellaneous Amendment\) Regulations 2023 \(S.S.I. 2023/334\)](#), regs. 1, **10(a)**

7. A application under paragraph 5 must be made in writing and contain the following information—

- (a) the information set out in paragraphs 1 to 6 of schedule 1,
 - (b) relevant information that supports the identification of low volume drink products first marketed, offered for sale or sold for the purposes of retail sale in Scotland by that producer, including—
 - (i) any trade mark or distinguishing marks placed on low volume drink products or their packaging which assists in identifying the producer,
 - (ii) any unique codes or marks designed to support the capture of data relating to the low volume drink product (for example, a European Article Number),
 - (c) the number of low volume drink products that share characteristics listed in subparagraph (b) first made available by that producer to be marketed, offered for sale or sold for the purposes of retail sale in Scotland in the previous calendar year,
 - (d) the number of low volume drink products which the producer anticipates it will market, offer for sale or sell for the purposes of retail sale in Scotland in the calendar year in which the application for listing is being made.
8. A application under paragraph 5 must be accompanied by a fee of £365, unless the producer—
- (a) has a taxable turnover of £85,000 or less in the previous financial year, or
 - (b) is a producer only by virtue of paragraph 1.

9.—(1) Within 42 days of receipt of an application made within the time limit specified in paragraph 6(a), SEPA must—

- (a) where the application complies with paragraph 7, grant it, or
- (b) otherwise, refuse it.

(2) Within 28 days of receipt of an application made within the time limit specified in paragraph 6(b) or (c), SEPA must—

- (a) where the application complies with paragraph 7, grant it, or

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(b) otherwise, refuse it.

(3) Where an application is granted, SEPA must, within 7 days of the date on which it is granted, give notice of that decision in writing to the producer.

(4) Where an application has been granted, the listing takes effect from the relevant date in paragraph 10 until the date on which the producer's listing is cancelled in accordance with paragraph 13.

10. The date for the purposes of paragraph 9(4) is—

- (a) [^{F9}1 October 2025], where the application was made within the time limit specified in paragraph 6(a),
- (b) 1 April in a relevant year, where the application was made within the time limit specified in paragraph 6(b),
- (c) the date the application was received by SEPA, where the application was made within the time limit specified in paragraph 6(c),
- (d) the date specified by SEPA in the notice provided in accordance with paragraph 9(2) in any other case.

Textual Amendments

F9 Words in [Sch. 5 para. 10\(b\)](#) substituted (3.11.2023) by [The Deposit and Return Scheme for Scotland \(Miscellaneous Amendment\) Regulations 2023 \(S.S.I. 2023/334\)](#), regs. 1, **10(b)**

11. SEPA must publish and maintain a list of listed producers in such manner as it considers appropriate.

12. Where an application is refused, SEPA must, within 7 days of the date on which it is refused, give notice of that decision in writing to the producer together with—

- (a) the reasons for it,
- (b) a statement as to the right of appeal under Part 6.

Textual Amendments

F8 Words in [Sch. 5 para. 6\(a\)](#) substituted (3.11.2023) by [The Deposit and Return Scheme for Scotland \(Miscellaneous Amendment\) Regulations 2023 \(S.S.I. 2023/334\)](#), regs. 1, **10(a)**

F9 Words in [Sch. 5 para. 10\(b\)](#) substituted (3.11.2023) by [The Deposit and Return Scheme for Scotland \(Miscellaneous Amendment\) Regulations 2023 \(S.S.I. 2023/334\)](#), regs. 1, **10(b)**

Cancellation of listing of producer of a low volume drink product

13.—(1) SEPA may cancel the listing of a producer where it appears to it that—

- (a) a producer is in breach of any of the obligations of a listed producer specified in paragraph 14,
- (b) a producer has failed to submit an application in accordance with paragraph 6(b),
- (c) an application of that producer has been refused,
- (d) the producer knowingly or recklessly supplied false information in connection with an application.

(2) SEPA must cancel the listing of a producer where it is informed under paragraph 14(d) or (e) that the producer has ceased to be a producer of low volume drink products.

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(3) Before cancelling the listing under sub-paragraph (1), SEPA must serve written notice on the producer 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 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 sub-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 sub-paragraph (2), 28 days from the date of the notification from the producer in accordance with paragraph 14(d) or (e),
- (c) in the case where an application for appeal against the decision is submitted and the decision to cancel that producer's listing is upheld, the date that the producer receives notification under regulation 27(7).

Obligations of listed producer of a low volume drink product

14. A listed producer must—

- (a) submit any subsequent application for listing within the time limits in paragraph 6,
- (b) provide any information reasonably requested by SEPA with regard to the information specified in paragraph 7,
- (c) notify SEPA of any material change in the information provided in accordance with paragraph 7 within 28 days of the date of the change,
- (d) notify SEPA in writing, within 28 days of becoming aware of the change, that a product is no longer a low volume drink product because the producer markets, offers for sale or sells for the purpose of its retail sale in Scotland that product in a quantity of more than 5000 units in a relevant year,
- (e) notify SEPA in writing where the producer wishes to cancel the listing or has ceased to be a producer of low volume drink products in respect of a relevant year,
- (f) collect and keep for at least four years from the date on which the information is collected a record of the information specified in paragraph 7(b), (c) and (d),
- (g) provide that information to SEPA in such form and at such intervals as SEPA may require.

Interpretation

15. In this schedule—

“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 low volume drink product or packaging, in which that low volume drink product is contained or sold, by which the person is held out to be a manufacturer or the originator of the low volume drink product, 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 low volume drink product in the United Kingdom.]

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Changes and effects yet to be applied to :

- reg. 4 coming into force by [S.S.I. 2020/154 reg. 1\(5\)](#)
- reg. 5 coming into force by [S.S.I. 2020/154 reg. 1\(5\)](#)
- reg. 18 coming into force by [S.S.I. 2020/154 reg. 1\(5\)](#)
- reg. 19 coming into force by [S.S.I. 2020/154 reg. 1\(5\)](#)
- reg. 20 coming into force by [S.S.I. 2020/154 reg. 1\(5\)](#)
- reg. 21 coming into force by [S.S.I. 2020/154 reg. 1\(5\)](#)
- reg. 30 coming into force by [S.S.I. 2020/154 reg. 1\(5\)](#)
- reg. 31 coming into force by [S.S.I. 2020/154 reg. 1\(5\)](#)
- reg. 32 coming into force by [S.S.I. 2020/154 reg. 1\(5\)](#)