

SCOTTISH STATUTORY INSTRUMENTS

2023 No. 7

**The Packaging Waste (Data Reporting)
(Scotland) Regulations 2023**

PART 1

General

Supply

10.—(1) In these Regulations, a person “supplies” packaging or packaging materials if that person does any of the following, either themselves or through an agent acting on their behalf, in relation to packaging or packaging materials owned by that person—

- (a) selling, hiring out or lending,
- (b) providing in exchange for any consideration other than money,
- (c) providing in or in connection with the performance of any statutory function,
- (d) giving as a prize or otherwise making a gift.

[^{F1}(1A) In these Regulations—

- (a) a first UK owner is to be treated as “supplying” any packaging which—
 - (i) has not been supplied, within the meaning of these Regulations, before coming into the ownership of the first UK owner, and
 - (ii) is discarded by the first UK owner in the United Kingdom,
- (b) an importer is to be treated as “supplying” packaging or packaging materials which the importer imports into and discards in the United Kingdom,]

^{F2}(2)

(3) Where the packaging is branded packaging, ^{F3}... the brand owner is to be treated for the purposes of these Regulations as supplying that packaging even if the brand owner does not do any of the actions listed in paragraph (1) in relation to the packaging.

(4) Paragraph (3) does not apply in relation to—

- (a) any packaging which is imported into the United Kingdom by—
 - (i) an importer, unless the importer is acting as an agent for the brand owner,
 - (ii) an online [^{F4}marketplace] operator,
- (b) any reusable packaging supplied by a service provider.

Textual Amendments

F1 Reg. 10(1A) substituted (1.4.2024) by The Packaging Waste (Data Reporting) (Scotland) Amendment Regulations 2024 (S.S.I. 2024/42), regs. 1, **9(a)** (with reg. 18)

Changes to legislation: *There are currently no known outstanding effects for the The Packaging Waste (Data Reporting) (Scotland) Regulations 2023, Section 10. (See end of Document for details)*

- F2** Reg. 10(2) omitted (1.4.2024) by virtue of The Packaging Waste (Data Reporting) (Scotland) Amendment Regulations 2024 (S.S.I. 2024/42), regs. 1, **9(b)** (with reg. 18)
- F3** Words in reg. 10(3) omitted (30.6.2023) by virtue of The Packaging Waste (Data Reporting) (Scotland) Amendment Regulations 2023 (S.S.I. 2023/160), regs. 1, **6(c)**
- F4** Word in reg. 10(4)(a)(ii) substituted (30.6.2023) by The Packaging Waste (Data Reporting) (Scotland) Amendment Regulations 2023 (S.S.I. 2023/160), regs. 1, **6(d)**

Commencement Information

- I1** Reg. 10 in force at 28.2.2023, see **reg. 1**

Changes to legislation:

There are currently no known outstanding effects for the The Packaging Waste (Data Reporting) (Scotland) Regulations 2023, Section 10.