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SCOTTISH STATUTORY INSTRUMENTS

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**2023 No. 7**

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

**PART 1**

**General**

**Incapacity etc.**

**14.**—(1) Where in a relevant year a producer dies, becomes bankrupt, or incapacitated (“the first producer”), that person ceases to be subject to any obligations under these Regulations for that year.

(2) Any person who carries on the activities of the first producer following that event is to be treated as a producer and to have the obligations of the producer for that year and subsequent years.

(3) Any person carrying on the activities of the first producer referred to in paragraph (1) must within 28 days of commencing to do so inform SEPA in writing of that fact and the date of the death, or the date of bankruptcy as the case may be, or the nature of the incapacity and the date on which it began.

(4) A producer which is a body corporate becomes bankrupt or incapacitated when it—

- (a) goes into liquidation,
- (b) enters administration under Part 2 of the Insolvency Act 1986<sup>(1)</sup> or Part 3 of the Insolvency (Northern Ireland) Order 1989<sup>(2)</sup>,
- (c) has an administrative receiver (as defined in section 251 of the Insolvency Act 1986) appointed in respect of it.

(5) A producer who is an individual becomes bankrupt or incapacitated when the individual –

- (a) becomes subject to a bankruptcy restrictions order under section 155 of the Bankruptcy (Scotland) Act 2016<sup>(3)</sup>,
- (b) becomes incapacitated (within the meaning of section 1(6) of the Adults with Incapacity (Scotland) Act 2000<sup>(4)</sup>),
- (c) starts to serve a sentence of imprisonment or is remanded in custody in the United Kingdom,
- (d) is detained in hospital under the Mental Health (Care and Treatment) (Scotland) Act 2003<sup>(5)</sup>.

(6) A producer who is an individual or a partnership becomes bankrupt or incapacitated when the estate of that person –

- (a) is sequestrated under the Bankruptcy (Scotland) Act 2016,

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(1) 1986 c. 45.

(2) 1989 No. 2405 (N.I. 19), to which there are amendments not relevant to these Regulations.

(3) 2016 asp 21.

(4) 2000 asp 4.

(5) 2003 asp 3.

(b) is made subject to a protected trust deed (see section 163 of the Bankruptcy (Scotland) Act 2016).

(7) A body corporate, individual or partnership which, or who, is subject to the laws of a jurisdiction other than Scotland becomes bankrupt or incapacitated on the occurrence of circumstances analogous to those described in paragraphs (4) to (6).