

SCHEDULE 1

Regulations 16 and 17

Collection and reporting information

PART 1

Interpretation

1. In this schedule—

- ^{F1}(a)
- (b) “first reporting period” means—
- (i) the period of six months starting on 1 January and ending on 30 June 2023,
 - (ii) where regulation 17(2)(b) applies, the period starting on the date on which these Regulations come into force and ending on 30 June 2023,
- (c) “reporting period”, other than the first reporting period, means a period of six months, starting on 1 January or 1 July,
- (d) “relevant period” means the data collection period for information required for the purposes of regulation 16, and the reporting period for the purposes of regulation 17,
- (e) references to the weight of packaging in kilograms or tonnes are references to the actual, measured weight of that packaging in kilograms to the nearest kilogram, or in tonnes to the nearest tonne.

Textual Amendments

- F1** Sch. 1 para. 1(a) omitted (30.6.2023) by virtue of [The Packaging Waste \(Data Reporting\) \(Scotland\) Amendment Regulations 2023 \(S.S.I. 2023/160\)](#), regs. 1, **11(a)**

Commencement Information

- I1** Sch. 1 para. 1 in force at 28.2.2023, see [reg. 1](#)

PART 2

General Information

2. The name, address and telephone number of the registered office of the producer or, if not a company, the head office or principal place of business of the producer.

Commencement Information

- I2** Sch. 1 para. 2 in force at 28.2.2023, see [reg. 1](#)

3. The business name of the producer if different from that referred to in paragraph 2 above.

Commencement Information

- I3** Sch. 1 para. 3 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. (See end of Document for details)

4. The name and contact details for the individual at the producer who is responsible for dealing with enquiries from SEPA.

Commencement Information

I4 Sch. 1 para. 4 in force at 28.2.2023, see **reg. 1**

5. The address for service of notices on the producer if different from that referred to in paragraph 2 above.

Commencement Information

I5 Sch. 1 para. 5 in force at 28.2.2023, see **reg. 1**

6. Where the producer is a partnership [^{F2}or a limited liability partnership], the names of all the partners.

Textual Amendments

F2 Words in sch. 1 para. 6 inserted (30.6.2023) by The Packaging Waste (Data Reporting) (Scotland) Amendment Regulations 2023 (S.S.I. 2023/160), regs. 1, **11(b)**

Commencement Information

I6 Sch. 1 para. 6 in force at 28.2.2023, see **reg. 1**

7. Each class of producer to which the applicant belongs.

Commencement Information

I7 Sch. 1 para. 7 in force at 28.2.2023, see **reg. 1**

8. If they belong to more than one class of producer, which of those classes constitutes their main activity as a producer.

Commencement Information

I8 Sch. 1 para. 8 in force at 28.2.2023, see **reg. 1**

9. Where the producer is a brand owner—
- (a) details of all names, trademarks and other distinctive marks which appear on packaging for which the brand owner is responsible,
 - (b) whether the brand owner also produces packaging on which no name, trade mark or other distinctive mark appears.

Commencement Information

I9 Sch. 1 para. 9 in force at 28.2.2023, see **reg. 1**

PART 3

Information required from brand owners, packer/fillers, importers [^{F3}or first UK owners], distributors and service providers

Textual Amendments

F3 Words in sch. 1 Pt. 3 heading inserted (1.4.2024) by [The Packaging Waste \(Data Reporting\) \(Scotland\) Amendment Regulations 2024 \(S.S.I. 2024/42\)](#), regs. 1, **16(a)** (with reg. 18)

10.—(1) This Part applies to producers who are—

(a) brand owners, ^{F4}...

[^{F5}(aa) packer/fillers,]

(b) importers [^{F6}or first UK owners],

(c) distributors,

(d) service providers.

[^{F7}(1A) A producer required by regulation 17 to report information under this Part—

(a) must only report that information in relation to packaging for which that producer performs the functions of a class listed in sub-paragraph (1),

(b) must not report any information in relation to any packaging in relation to which the producer only performs the functions of a seller or an online marketplace operator.]

(2) A small producer must keep records of the information in paragraph 11 and 13(1)(a), (b) and (d) as required by regulation [^{F8}16(2)].

(3) A large producer (“LP”) must—

(a) keep records of the information set out in paragraphs 11 to 17 for the data collection period as required by regulation 16(3), and

(b) as required by regulation 17(1)—

(i) report on [^{F9}the information set out in paragraphs 11 to 13, 16, 17 and 23] in relation to the first reporting period and subsequent reporting periods,

^{F10}(ii)

Textual Amendments

F4 Words in sch. 1 para. 10(1)(a) omitted (1.4.2024) by virtue of [The Packaging Waste \(Data Reporting\) \(Scotland\) Amendment Regulations 2024 \(S.S.I. 2024/42\)](#), regs. 1, **16(b)(i)(aa)** (with reg. 18)

F5 Sch. 1 para. 10(1)(aa) inserted (1.4.2024) by [The Packaging Waste \(Data Reporting\) \(Scotland\) Amendment Regulations 2024 \(S.S.I. 2024/42\)](#), regs. 1, **16(b)(i)(bb)** (with reg. 18)

F6 Words in sch. 1 para. 10(1)(b) inserted (1.4.2024) by [The Packaging Waste \(Data Reporting\) \(Scotland\) Amendment Regulations 2024 \(S.S.I. 2024/42\)](#), regs. 1, **16(b)(i)(cc)** (with reg. 18)

F7 Sch. 1 para. 10(1A) inserted (1.4.2024) by [The Packaging Waste \(Data Reporting\) \(Scotland\) Amendment Regulations 2024 \(S.S.I. 2024/42\)](#), regs. 1, **16(b)(ii)** (with reg. 18)

F8 Word in sch. 1 para. 10(2) substituted (1.4.2024) by [The Packaging Waste \(Data Reporting\) \(Scotland\) Amendment Regulations 2024 \(S.S.I. 2024/42\)](#), regs. 1, **16(b)(iii)** (with reg. 18)

F9 Words in sch. 1 para. 10(3)(b)(i) substituted (1.4.2024) by [The Packaging Waste \(Data Reporting\) \(Scotland\) Amendment Regulations 2024 \(S.S.I. 2024/42\)](#), regs. 1, **16(b)(iv)** (with reg. 18)

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

F10 Sch. 1 para. 10(3)(b)(ii) omitted (30.6.2023) by virtue of [The Packaging Waste \(Data Reporting\) \(Scotland\) Amendment Regulations 2023 \(S.S.I. 2023/160\)](#), regs. 1, **11(c)**

Commencement Information

I10 Sch. 1 para. 10 in force at 28.2.2023, see [reg. 1](#)

11. The weight in kilograms of packaging in each packaging category the producer has supplied during the relevant period.

Commencement Information

I11 [Sch. 1 para. 11](#) in force at 28.2.2023, see [reg. 1](#)

12. The weight in kilograms of household packaging in each packaging category the producer has supplied during the relevant period.

Commencement Information

I12 [Sch. 1 para. 12](#) in force at 28.2.2023, see [reg. 1](#)

13.—(1) A breakdown for the packaging supplied in each packaging category during the [^{F11}relevant] period, specifying—

- (a) whether the packaging is primary packaging, shipment packaging, secondary packaging, or tertiary packaging (its “packaging type”),
- (b) the weight in kilograms of packaging supplied in each packaging type,
- (c) the weight in kilograms of household packaging supplied which is primary packaging or shipment packaging,
- (d) the weight in kilograms of packaging, and the number of units of packaging, in each packaging category which consist of drink containers.

^{F12}(2)

[^{F13}(3) Sub-paragraph (1) does not apply in relation to packaging which an importer or first UK owner is treated as supplying within the meaning of regulation 10(1A).]

Textual Amendments

F11 Word in [sch. 1 para. 13\(1\)](#) substituted (30.6.2023) by [The Packaging Waste \(Data Reporting\) \(Scotland\) Amendment Regulations 2023 \(S.S.I. 2023/160\)](#), regs. 1, **11(d)(i)**

F12 [Sch. 1 para. 13\(2\)](#) omitted (1.4.2024) by virtue of [The Packaging Waste \(Data Reporting\) \(Scotland\) Amendment Regulations 2024 \(S.S.I. 2024/42\)](#), regs. 1, **16(c)(i)** (with [reg. 18](#))

F13 [Sch. 1 para. 13\(3\)](#) substituted (1.4.2024) by [The Packaging Waste \(Data Reporting\) \(Scotland\) Amendment Regulations 2024 \(S.S.I. 2024/42\)](#), regs. 1, **16(c)(ii)** (with [reg. 18](#))

Commencement Information

I13 [Sch. 1 para. 13](#) in force at 28.2.2023, see [reg. 1](#)

^{F14}**14.**

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

Textual Amendments

F14 Sch. 1 para. 14 omitted (30.6.2023) by virtue of The Packaging Waste (Data Reporting) (Scotland) Amendment Regulations 2023 (S.S.I. 2023/160), regs. 1, **11(e)**

15. Producers who are distributors must also, for each large producer subject to obligations under regulation 15(3) to whom the producer has supplied unfilled household packaging or other unfilled packaging during the relevant period, keep records of—

- (a) the identity of the producer,
- (b) the number of units of such packaging supplied,
- (c) the weight of unfilled packaging and of ^{F15}unfilled household packaging supplied to that producer.

Textual Amendments

F15 Word in sch. 1 para. 15(c) inserted (30.6.2023) by The Packaging Waste (Data Reporting) (Scotland) Amendment Regulations 2023 (S.S.I. 2023/160), regs. 1, **11(f)**

Commencement Information

I14 Sch. 1 para. 15 in force at 28.2.2023, see **reg. 1**

16.—^{F16}(1) Where the producer has instituted a system of ^{F17}reusing reusable packaging, a description of that system, including the following information—

- (a) the weight in kilograms of all packaging supplied during the ^{F18}relevant period that is reusable or refillable,
- (b) the weight in kilograms of the packaging referred to in sub-paragraph (a) which is primary packaging,

^{F19}(c)

^{F20}(2) the information provided in sub-paragraph (1) must be given for each packaging category supplied by the producer in the relevant period,

(3) the producer need only include information on reusable household packaging in the year in which it is first supplied.]

Textual Amendments

F16 Sch. 1 para. 16 renumbered as sch. 1 para. 16(1) (30.6.2023) by The Packaging Waste (Data Reporting) (Scotland) Amendment Regulations 2023 (S.S.I. 2023/160), regs. 1, **11(g)(i)**

F17 Words in sch. 1 para. 16(1) substituted (30.6.2023) by The Packaging Waste (Data Reporting) (Scotland) Amendment Regulations 2023 (S.S.I. 2023/160), regs. 1, **11(g)(ii)(aa)**

F18 Word in sch. 1 para. 16(1)(a) substituted (30.6.2023) by The Packaging Waste (Data Reporting) (Scotland) Amendment Regulations 2023 (S.S.I. 2023/160), regs. 1, **11(g)(ii)(bb)**

F19 Sch. 1 para. 16(1)(c) omitted (30.6.2023) by virtue of The Packaging Waste (Data Reporting) (Scotland) Amendment Regulations 2023 (S.S.I. 2023/160), regs. 1, **11(g)(ii)(cc)**

F20 Sch. 1 para. 16(2)(3) inserted (30.6.2023) by The Packaging Waste (Data Reporting) (Scotland) Amendment Regulations 2023 (S.S.I. 2023/160), regs. 1, **11(g)(iii)**

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

Commencement Information

I15 Sch. 1 para. 16 in force at 28.2.2023, see [reg. 1](#)

17.—(1) The weight in kilograms of household packaging supplied by the producer [^{F21}in the relevant period in each packaging category,] which consists of items listed in sub-paragraph (2).

(2) The following items are relevant for the purposes of sub-paragraph (1)—

- (a) packaging provided to consumers with take-away food or drink, including wraps, boxes, cups, cup-holders, bags [^{F22}and paper],
- (b) packaging on confectionery, where the confectionery weighs less than 230 grams, including chewing gum packaging, and chocolate wrappers,
- (c) packaging on cigarettes, cigars, tobacco and e-cigarettes,
- (d) crisp packets or packaging on other savoury snacks, where the crisps or snacks weigh less than 60 grams,
- (e) packaging on single portions of food which can be consumed immediately without further preparation, including sausage rolls, sushi, sandwiches, biscuits and individual cakes,
- (f) cartons holding 850 millilitres or less of drink whose contents can be consumed immediately without dilution,
- (g) pouches containing less than 600 millilitres of drink, whose contents can be consumed immediately without dilution.

Textual Amendments

F21 Words in [sch. 1 para. 17\(1\)](#) inserted (30.6.2023) by [The Packaging Waste \(Data Reporting\) \(Scotland\) Amendment Regulations 2023 \(S.S.I. 2023/160\)](#), [regs. 1, 11\(h\)](#)

F22 Words in [sch. 1 para. 17\(2\)\(a\)](#) substituted (1.4.2024) by [The Packaging Waste \(Data Reporting\) \(Scotland\) Amendment Regulations 2024 \(S.S.I. 2024/42\)](#), [regs. 1, 16\(d\)](#) (with [reg. 18](#))

Commencement Information

I16 Sch. 1 para. 17 in force at 28.2.2023, see [reg. 1](#)

PART 4

Information required from online marketplace operators

18. Producers who are online marketplace operators—

- (a) must keep records of, and report on, the information set out in paragraphs 19 and 20 [^{F23}for all packaging in respect of which they are a producer under regulation 8(6)],
- (b) must provide a description to SEPA of the methodology they use to collate the information required under sub-paragraph (a).

Textual Amendments

F23 Words in [sch. 1 para. 18](#) inserted (1.4.2024) by [The Packaging Waste \(Data Reporting\) \(Scotland\) Amendment Regulations 2024 \(S.S.I. 2024/42\)](#), [regs. 1, 16\(e\)](#) (with [reg. 18](#))

Commencement Information

I17 Sch. 1 para. 18 in force at 28.2.2023, see [reg. 1](#)

19. The weight in kilograms of packaging in each packaging category [^{F24}supplied through an online marketplace operated by the producer] during the relevant period.

Textual Amendments

F24 Words in sch. 1 para. 19 substituted (1.4.2024) by The Packaging Waste (Data Reporting) (Scotland) Amendment Regulations 2024 (S.S.I. 2024/42), regs. 1, **16(f)** (with reg. 18)

Commencement Information

I18 Sch. 1 para. 19 in force at 28.2.2023, see [reg. 1](#)

20. The weight in kilograms of household packaging in each packaging category [^{F25}supplied through an online marketplace operated by the producer] during the relevant period.

Textual Amendments

F25 Words in sch. 1 para. 20 substituted (1.4.2024) by The Packaging Waste (Data Reporting) (Scotland) Amendment Regulations 2024 (S.S.I. 2024/42), regs. 1, **16(f)** (with reg. 18)

Commencement Information

I19 Sch. 1 para. 20 in force at 28.2.2023, see [reg. 1](#)

PART 5

Supply and discarding of packaging by nation

21. Producers who are subject to the data collection obligations in regulation 16 must maintain records of the following information [^{F26}for all packaging in respect of which they are a producer, or, for the information in paragraph 22, a producer of a class specified in that paragraph]—

- (a) for small producers, the information in paragraph 22(1) [^{F27}where applicable],
- [^{F28}(b) for large producers, the information in paragraphs 22 and 23, where applicable.]

Textual Amendments

F26 Words in sch. 1 para. 21 inserted (1.4.2024) by The Packaging Waste (Data Reporting) (Scotland) Amendment Regulations 2024 (S.S.I. 2024/42), regs. 1, **16(g)(i)** (with reg. 18)

F27 Words in sch. 1 para. 21(a) inserted (1.4.2024) by The Packaging Waste (Data Reporting) (Scotland) Amendment Regulations 2024 (S.S.I. 2024/42), regs. 1, **16(g)(ii)** (with reg. 18)

F28 Sch. 1 para. 21(b) substituted for sch. 1 para. 21(b)(c) (1.4.2024) by The Packaging Waste (Data Reporting) (Scotland) Amendment Regulations 2024 (S.S.I. 2024/42), regs. 1, **16(g)(iii)** (with reg. 18)

Commencement Information

I20 Sch. 1 para. 21 in force at 28.2.2023, see [reg. 1](#)

22.—(1) The weight in kilograms of—

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

- (a) all packaging the producer supplies, where the producer is a seller, online marketplace operator, distributor or service provider,
 - (b) all packaging the producer discards, where the producer [^{F29}imports and then] is an importer,
in a relevant year in each nation in the United Kingdom, in each packaging category.
 - [^{F30}(c) all packaging the producer takes ownership of and then discards, when the producer is a first UK owner.]
- [^{F31}(2) For the purposes of reports submitted in relation to the relevant years 2024, 2025 and 2026, producers who are—
- (a) sellers who supply secondary or tertiary packaging may estimate the amount of packaging which has been supplied to a nation in the United Kingdom in order to calculate the weight of packaging supplied to that nation,
 - (b) importers who import secondary or tertiary packaging [^{F32}and first UK owners who are treated as supplying secondary or tertiary packaging] may estimate the amount of packaging discarded in a nation of the United Kingdom in order to calculate the weight of packaging discarded in that nation.]
- (3) Sub-paragraph (2) does not apply to packaging which is supplied directly by the seller to the person using it.

Textual Amendments

- F29** Words in sch. 1 para. 22(1)(b) inserted (1.4.2024) by [The Packaging Waste \(Data Reporting\) \(Scotland\) Amendment Regulations 2024 \(S.S.I. 2024/42\)](#), regs. 1, **16(h)(i)** (with reg. 18)
- F30** Sch. 1 para. 22(1)(c) inserted (1.4.2024) by [The Packaging Waste \(Data Reporting\) \(Scotland\) Amendment Regulations 2024 \(S.S.I. 2024/42\)](#), regs. 1, **16(h)(ii)** (with reg. 18)
- F31** Sch. 1 para. 22(2) substituted (30.6.2023) by [The Packaging Waste \(Data Reporting\) \(Scotland\) Amendment Regulations 2023 \(S.S.I. 2023/160\)](#), regs. 1, **11(i)**
- F32** Words in sch. 1 para. 22(2)(b) inserted (1.4.2024) by [The Packaging Waste \(Data Reporting\) \(Scotland\) Amendment Regulations 2024 \(S.S.I. 2024/42\)](#), regs. 1, **16(h)(iii)** (with reg. 18)

Commencement Information

- I21** Sch. 1 para. 22 in force at 28.2.2023, see [reg. 1](#)

23.—(1) The amount of relevant packaging waste the producer has collected during the relevant period from persons other than the producer [^{F33}and sent for recycling].

(2) The amount of packaging waste the producer has collected during the relevant period consisting of—

- (a) the producer’s own packaging waste,
 - (b) packaging waste from other persons.
- (3) How much of the waste referred to in sub-paragraph (2) was—
- (a) collected from each nation within the United Kingdom,
 - (b) sent for recycling to another nation in the United Kingdom, identifying the nation concerned.

(4) The amount of waste declared under sub-paragraphs (1), (2) and (3) must be declared by weight, in kilograms, and be further broken down by packaging category.

(5) In sub-paragraph (1), packaging waste is “relevant packaging waste” if it is not collected from households for recycling by more than 75% of the relevant authorities in Scotland responsible for waste collection.

(6) In sub-paragraph (5), in relation to glass, “collected for recycling from households” includes glass deposited at a bring site by the occupier of a domestic property.

[^{F34}(7) In sub-paragraph (5), “relevant packaging waste” includes reusable packaging which has been reused and has become waste, whether or not it is collected from households for recycling by more than 75% of relevant authorities in Scotland responsible for waste collection.]

Textual Amendments

F33 Words in sch. 1 para. 23(1) inserted (30.6.2023) by The Packaging Waste (Data Reporting) (Scotland) Amendment Regulations 2023 (S.S.I. 2023/160), regs. 1, **11(j)(i)**

F34 Sch. 1 para. 23(7) inserted (30.6.2023) by The Packaging Waste (Data Reporting) (Scotland) Amendment Regulations 2023 (S.S.I. 2023/160), regs. 1, **11(j)(ii)**

Commencement Information

I22 Sch. 1 para. 23 in force at 28.2.2023, see **reg. 1**

SCHEDULE 2

Regulation 15(8)

Licensors and Pub Operating Businesses

PART 1

General

1.—(1) A head organisation is subject to data collection obligations under regulation 16(6) in the situations set out in paragraph 2(1) below where the conditions in paragraph 2(2) below are met.

(2) Where a head organisation has such obligations—

- (a) paragraph 6 below applies to determine the obligations of a licensor,
- (b) paragraph 8 below applies to determine the obligations of a pub operating business.

Commencement Information

I23 Sch. 2 para. 1 in force at 28.2.2023, see **reg. 1**

2.—(1) The situations referred to in paragraph 1 above are that—

- (a) the head organisation and one or more of its members would, but for the fact that they do not all satisfy one or both of the threshold tests in regulation 11(2), each have obligations under these Regulations,
- (b) two or more members of the head organisation would, but for not satisfying one or both of the threshold tests in regulation 11(2), each have obligations under these Regulations,

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

- (c) the head organisation has obligations under these Regulations and one or more of its members would, but for a failure to satisfy one or both of the threshold tests in regulation 11(2), each have obligations under these Regulations.
- (2) The conditions referred to in paragraph 1 above are that—
- (a) the head organisation satisfies the threshold test relating to turnover in regulation 11(2)(a), and
- (b) subject to paragraphs [F35 and 7] below, the head organisation and one or more of its members, or its members alone, in one of the situations in sub-paragraph (1)(a), (b) or (c) above, together satisfy the threshold test relating to packaging handled in regulation 11(2)(b).

Textual Amendments

F35 Words in [sch. 2 para. 2\(2\)\(b\)](#) substituted (1.4.2024) by [The Packaging Waste \(Data Reporting\) \(Scotland\) Amendment Regulations 2024 \(S.S.I. 2024/42\)](#), regs. 1, 17 (with reg. 18)

Commencement Information

I24 [Sch. 2 para. 2](#) in force at 28.2.2023, see [reg. 1](#)

3. Where the head organisation does not have the information necessary for the purposes of Parts 2 and 3 the organisation—
- (a) must use its best endeavours to obtain such information,
- (b) where despite having used its best endeavours it nevertheless does not have such information it must produce its best estimate and that estimate must be used for the purposes of Parts 2 and 3.

Commencement Information

I25 [Sch. 2 para. 3](#) in force at 28.2.2023, see [reg. 1](#)

4. For the purposes of this schedule—
- (a) “head organisation” means a licensor or pub operating business as defined in regulation 9,
- (b) “member” means—
- (i) where the head organisation is a licensor, a licensee being the person granted a licence to use a trade mark by the licensor under a licence agreement as provided for in regulation 9,
- (ii) where the head organisation is a pub operating business, a tenant being the person granted a lease or tenancy by the pub operating business as provided for in regulation 9.

Commencement Information

I26 [Sch. 2 para. 4](#) in force at 28.2.2023, see [reg. 1](#)

PART 2

Licensors

5. Where the head organisation is a licensor, for the purposes of determining under paragraph 2(2) (b) above whether the threshold test in regulation 11(2)(b) is satisfied, only the following packaging or packaging materials are to be taken into account—

- (a) packaging or packaging materials that bear a trade mark of the head organisation for which a licence to use such trade mark has been granted under the licence agreement,
- (b) packaging associated with goods that bear a trade mark of the head organisation for which a licence to use such trade mark has been granted under the licence agreement, and
- (c) where the member is obliged to—
 - (i) purchase goods in packaging,
 - (ii) purchase goods and associated packaging or packaging materials to be used to contain or protect such goods or to facilitate the handling of or for the presentation of such goods,
 - (iii) purchase packaging or packaging materials to be used to contain or protect such goods or to facilitate the handling of or for the presentation of such goods,

from the head organisation or, where the head organisation has negotiated some or all of the terms of the supply, a supplier nominated or authorised by the head organisation under the licence agreement, such packaging or packaging materials.

Commencement Information

I27 Sch. 2 para. 5 in force at 28.2.2023, see [reg. 1](#)

6. Where the head organisation is a licensor—

- (a) where there is a situation falling within paragraph 2(1)(a) or (b) above and the conditions in paragraph 2(2) above have been met, the head organisation—
 - (i) is deemed to be a producer of a class or classes specified in regulation 8,
 - (ii) has data collection obligations in respect of its own activities, where applicable, and those of its members in respect of the packaging or packaging materials set out in paragraph 5,
- (b) where there is a situation falling within paragraph 2(1)(c) above and the conditions in paragraph 2(2) above have been met, the head organisation—
 - (i) has obligations as a producer in respect of its own activities,
 - (ii) is deemed to be a producer of one or more classes specified in regulation 8,
 - (iii) has data collection obligations in respect of the activities of its members in respect of the packaging or packaging materials set out in paragraph 5.

Commencement Information

I28 Sch. 2 para. 6 in force at 28.2.2023, see [reg. 1](#)

PART 3

Pub operating businesses

7.—(1) Where the head organisation is a pub operating business, for the purposes of determining under paragraph 2(2)(b) above whether the threshold test in regulation 11(2)(b) is met, only packaging or packaging materials specified in sub-paragraph (2) are to be taken into account.

(2) The packaging or packaging materials referred to in sub-paragraph (1) are packaging or packaging materials that contain the goods that are the subject of the obligation to purchase from the head organisation or person nominated or authorised by that head organisation under the pub operating agreement, whether or not the goods have been packed or filled in the packaging or packaging materials when they are purchased by the member.

Commencement Information

I29 Sch. 2 para. 7 in force at 28.2.2023, see **reg. 1**

8. Where the head organisation is a pub operating business—
- (a) where there is a situation falling within paragraph 2(1)(a) or (b) above and the conditions in paragraph 2(2) above have been met, the head organisation—
 - (i) is deemed to be a producer of one or more classes specified in regulation 8,
 - (ii) has data collection obligations in respect of its own activities, where applicable, and those of its members in respect of the packaging or packaging materials set out in paragraph 7(2),
 - (b) where there is a situation falling in paragraph 2(1)(c) above and the conditions in paragraph 2(2) above have been met, the head organisation—
 - (i) has obligations as a producer in respect of its own activities,
 - (ii) is deemed to be a producer of one or more classes specified in regulation 8,
 - (iii) has data collection obligations in respect of the activities of its members in respect of the packaging or packaging materials set out in paragraph 7(2).

Commencement Information

I30 Sch. 2 para. 8 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.