
SCOTTISH STATUTORY INSTRUMENTS

2024 No. 42

**The Packaging Waste (Data Reporting)
(Scotland) Amendment Regulations 2024**

Household packaging

7. For regulation 7 (household packaging), substitute—

“Household packaging

7.—(1) In these Regulations, “household packaging” is primary or shipment packaging which is not packaging described in paragraph (2).

(2) The following primary or shipment packaging is not household packaging—

- (a) packaging supplied to a business or to a public institution which in either case is the final user of that packaging,
- (b) packaging for a product, where—
 - (i) the product is designed only for use by a business or a public institution, and
 - (ii) the packaging for the product is not reasonably likely to be disposed of in a household bin or a public bin,
- (c) packaging imported into the United Kingdom by an importer and discarded in the United Kingdom by that importer.

(3) Packaging is not to be treated as falling within paragraph (2)(a) or (b) unless the producer supplying that packaging can provide evidence that—

- (a) in the case of paragraph (2)(a), the packaging is supplied to a business or a public institution which does not supply to any other person—
 - (i) the packaging,
 - (ii) the product which the packaging contains in its packaged form,
- (b) in the case of paragraph (2)(b)—
 - (i) the product satisfies the requirement in head (i), and
 - (ii) the packaging for the product satisfies the requirement in head (ii),

(4) For the purposes of paragraph (2)(b), “packaging for a product” means—

- (a) packaging supplied with a product satisfying the conditions in paragraph (2)(b) (“a business product”), and
- (b) unfilled packaging made to be used with a business product, provided that the supplier of that packaging has evidence that the packaging will be used with such a product.

(5) For the purposes of paragraph (3)(a)(ii), a product is to be treated as being supplied in its packaged form unless all packaging is removed from the product before it is supplied to the final user of that product.

(6) For the purposes of this regulation and regulation 7A, the following institutions are to be treated as public institutions—

- (a) a school, university or other educational establishment,
- (b) a hospital or the practice of a general medical practitioner or dentist,
- (c) a nursing home or other residential home,
- (d) a government department,
- (e) a relevant authority,
- (f) a court or tribunal,
- (g) a person established, or appointed, by or under any enactment to discharge public functions,
- (h) a charity or other not-for-profit body,
- (i) a penal institution.

(7) In this regulation—

“dentist” means a person registered in the dentists register kept under section 14(1) of the Dentists Act 1984(1),

“general medical practitioner” means a person registered in the General Practitioner Register kept by the General Medical Council under section 34C of the Medical Act 1983(2),

“government department” includes—

- (a) any part of the Scottish Administration,
- (b) a Northern Ireland department,
- (c) the Welsh Government,

“not for profit body” means a body which, by virtue of its constitution or any enactment—

- (a) is required (after payment of outgoings) to apply the whole of its income, and any capital which it expends, for charitable or public purposes, and
- (b) is prohibited from directly or indirectly distributing among its members any part of its assets otherwise than for charitable or public purposes.

(8) In this regulation and in regulation 7A—

“household bin” means a receptacle designed to collect waste from a household which is not a business or a public institution,

“public bin” means a receptacle—

- (a) maintained by a relevant authority in a street or public place, and
- (b) designed to collect waste.

SEPA guidance

7A.—(1) SEPA must provide guidance for the purposes of regulation 7 on the following matters—

- (a) the evidence which may be used by a producer to demonstrate that primary packaging or shipment packaging is supplied to a business or public institution which in either case is the final user of the packaging,

(1) 1984 c. 24. Section 14 was substituted by S.I. 2005/2011 and amended by S.I. 2007/3101 and S.I. 2019/593.

(2) 1983 c. 54. Section 34C was added by S.I. 2010/234.

- (b) on when—
 - (i) a product is to be treated as being designed only for use by a business or a public institution, and
 - (ii) packaging for that product is to be treated as not reasonably likely to be disposed of in a household bin or a public bin.
- (2) SEPA may take the following factors into account in the preparation of guidance under paragraph (1)(b)—
 - (a) the size of the packaging,
 - (b) the weight of the packaging,
 - (c) whether the supply of a product is subject to restrictions imposed by or under primary or secondary legislation,
 - (d) how available a product or its packaging is to consumers,
 - (e) whether a product is likely to be used by a business in a household,
 - (f) any other factor SEPA considers relevant.”.