

SCHEDULE 2

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; and
- (b) paragraph 7 below applies to determine the obligations of a pub operating business.

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, 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, each have obligations under these Regulations; or
- (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, 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(1)(a); and
- (b) subject to paragraphs 3 and 4 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(1)(b).

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; and
- (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.

4. For the purposes of this Schedule—

- (a) “head organisation” means a licensor or pub operating business as defined in regulation 9; and
- (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; or
 - (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.