

*Status: Point in time view as at 10/05/2022.*

*Changes to legislation: There are currently no known outstanding effects for the Environment Act 2021, SCHEDULE 8. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 8

Section 54

#### DEPOSIT SCHEMES

##### *Power to establish deposit schemes*

- 1 (1) The relevant national authority may by regulations establish deposit schemes for any of the following purposes—
- (a) sustaining, promoting or securing an increase in the recycling or reuse of materials;
  - (b) reducing the incidence of littering or fly-tipping.
- (2) A deposit scheme is a scheme under which—
- (a) a person supplied with a deposit item by a scheme supplier pays the supplier an amount (a “deposit”), and
  - (b) a person who provides a deposit item to a scheme collector is entitled to be paid an amount (a “refund”) in respect of that item by the collector.
- (3) A “deposit item” is a specified item that is supplied—
- (a) by way of sale, or
  - (b) in connection with the supply of goods or services.
- (4) A deposit scheme may make provision about the circumstances in which a deposit or refund is to be paid in respect of a deposit item.
- (5) A person may be specified—
- (a) as a scheme supplier if the person is a supplier or producer of deposit items;
  - (b) as a scheme collector if the person is a supplier or producer of deposit items or is a scheme administrator (see paragraph 4).
- (6) A deposit scheme may provide that the amount of the deposit or refund in respect of a deposit item is—
- (a) an amount specified,
  - (b) an amount determined and published by the relevant national authority in accordance with the scheme, or
  - (c) an amount determined by a scheme administrator in accordance with the scheme.
- (7) In this paragraph “specified” means specified or described in a deposit scheme.

##### **Commencement Information**

**I1** Sch. 8 para. 1 in force at 9.1.2022 for E.W., see s. 147(2)(d)

**I2** Sch. 8 para. 1 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(f)

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### *Scheme suppliers*

- 2 (1) A deposit scheme may impose requirements on a scheme supplier in connection with the scheme, including requirements—
- (a) to take steps to ensure deposits are paid in respect of deposit items in accordance with the scheme (which may include a requirement to include the amount of the deposit in the sale price of the item, or in the price of goods or services the item was supplied in connection with);
  - (b) as to the marking of deposit items to identify them as such;
  - (c) as to the retention of deposits;
  - (d) to pay amounts received as deposits to other scheme suppliers, scheme collectors or to a scheme administrator;
  - (e) in connection with securing that a specified proportion of deposit items supplied by scheme suppliers, or by individual scheme suppliers, are returned to scheme collectors;
  - (f) to keep records in connection with the scheme;
  - (g) to provide those records or other information in connection with the scheme to a scheme administrator.
- (2) A deposit scheme may impose different requirements on different scheme suppliers.
- (3) In this paragraph “specified” means specified in a deposit scheme.

#### **Commencement Information**

**I3** Sch. 8 para. 2 in force at 9.1.2022 for E.W., see s. 147(2)(d)

**I4** Sch. 8 para. 2 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(f)

### *Scheme collectors*

- 3 (1) A deposit scheme may impose requirements on a scheme collector in connection with the scheme, including requirements—
- (a) to pay a person who provides a deposit item a refund in accordance with the scheme;
  - (b) to pay a person who provides a deposit item under another deposit scheme an amount determined in accordance with the scheme (and the scheme may provide for that amount to be determined by reference to the other deposit scheme);
  - (c) to pay a person who provides articles or packaging that are the subject of a Scottish deposit and return scheme an amount determined in accordance with the scheme (and the scheme may provide for that amount to be determined by reference to the Scottish deposit and return scheme);
  - (d) to recycle, re-use, or arrange or facilitate the recycling or re-use of any item provided to them in accordance with the scheme (which may include articles or packaging that are the subject of a Scottish deposit and return scheme);
  - (e) to otherwise dispose of such items in accordance with the scheme;
  - (f) where a scheme collector receives any payment in connection with the recycling or disposal of such an item, to retain that amount or to pay it, or a part of it, to a scheme administrator;
  - (g) as to the retention of any amounts received from scheme suppliers, other scheme collectors or a scheme administrator;

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- (h) to pay such amounts received to scheme suppliers, other scheme collectors or a scheme administrator;
- (i) in connection with securing that a specified proportion of deposit items supplied by scheme suppliers, or by individual scheme suppliers, are returned to scheme collectors;
- (j) to keep records in connection with the scheme;
- (k) to provide those records or other information in connection with the scheme to a scheme administrator.

(2) A deposit scheme may impose different requirements on different scheme collectors.

(3) In this paragraph “specified” means specified in a deposit scheme.

#### Commencement Information

**I5** Sch. 8 para. 3 in force at 9.1.2022 for E.W., see [s. 147\(2\)\(d\)](#)

**I6** Sch. 8 para. 3 in force at 28.2.2022 for N.I. by [S.R. 2022/54](#), [art. 2\(1\)\(f\)](#)

#### Deposit scheme administrators

- 4 (1) A person may be appointed as a scheme administrator of a deposit scheme by, or in accordance with, that scheme.
- (2) A deposit scheme may confer functions (including functions involving the exercise of discretion) on a scheme administrator, including—
- (a) any requirement that could be imposed on a scheme collector by virtue of paragraph [3\(1\)\(a\)](#) to [\(e\)](#);
  - (b) functions relating to the registration of scheme suppliers and scheme collectors;
  - (c) a power to charge fees for registration (the amounts of which may be such as to recover the costs referred to in paragraphs [\(d\)](#) and [\(e\)](#));
  - (d) a power to use such fees to meet the costs of exercising its functions under, or in connection with, the scheme;
  - (e) requirements to pay such fees to persons exercising functions conferred by virtue of paragraph [5](#) for the purpose of meeting the costs of the exercise of those functions;
  - (f) a power to give general or specific directions to scheme suppliers and scheme collectors as to the matters mentioned in paragraphs [2\(1\)](#) and [3\(1\)](#);
  - (g) a power to make payments to scheme collectors to reimburse them in respect of the payment of refunds or payments made by virtue of a requirement under paragraph [3\(1\)\(a\)](#), [\(b\)](#) or [\(c\)](#);
  - (h) a power to make payments to another scheme administrator of the deposit scheme;
  - (i) a power to make payments to a scheme administrator of another deposit scheme in connection with the operation of the scheme, or the operation of the other scheme;
  - (j) a power to make payments to a Scottish deposit administrator in connection with the operation of the scheme, or the operation of the Scottish deposit and return scheme in relation to which the Scottish deposit administrator is exercising functions;

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- (k) requirements to retain amounts received by it under or by virtue of the scheme;
  - (l) a power to use such amounts, or to pay such amounts to another person, for purposes connected with the scheme, or other deposit schemes;
  - (m) a power to use such amounts for purposes connected with the protection of the environment;
  - (n) requirements to pay such amounts to the relevant national authority;
  - (o) functions relating to securing compliance by scheme suppliers and scheme collectors with their obligations under the scheme;
  - (p) requirements in connection with securing that a specified proportion of deposit items supplied by scheme suppliers, or by individual scheme suppliers, are returned to scheme collectors;
  - (q) requirements to keep records in connection with the scheme;
  - (r) requirements to provide any such records or other information in connection with the scheme to the relevant national authority;
  - (s) requirements as to the exercise of the administrator’s functions.
- (3) Where there is more than one scheme administrator, a deposit scheme may confer different functions on different scheme administrators.
- (4) A deposit scheme may confer a power on the relevant national authority to give directions to a scheme administrator of the scheme as to the exercise of the administrator’s functions under the scheme.
- (5) In this paragraph “specified” means specified in a deposit scheme.

**Commencement Information**

**17** Sch. 8 para. 4 in force at 9.1.2022 for E.W., see **s. 147(2)(d)**

**18** Sch. 8 para. 4 in force at 28.2.2022 for N.I. by **S.R. 2022/54, art. 2(1)(f)**

*Enforcement*

- 5 (1) The relevant national authority may by regulations make provision about the enforcement of requirements under deposit schemes.
- (2) The provision that may be made under sub-paragraph (1) includes provision—
- (a) conferring functions (including functions involving the exercise of discretion) in connection with the enforcement of requirements under deposit schemes on specified persons (which may include scheme administrators);
  - (b) for such functions of such a person to be exercised on the person’s behalf by persons authorised in accordance with the regulations;
  - (c) requiring scheme suppliers, scheme collectors or scheme administrators to provide records and other information relating to deposit schemes to specified persons;
  - (d) for, about or connected with the imposition of civil sanctions in respect of failures to comply with relevant requirements, or the obstruction of or failure to assist a person having functions in connection with the enforcement of relevant requirements;
  - (e) for appeals against such sanctions;

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- (f) creating criminal offences punishable with a fine in respect of failures to comply with civil sanctions, or the obstruction of or failure to assist a person having functions in connection with the enforcement of relevant requirements;
  - (g) about such offences.
- (3) For the purposes of this paragraph “civil sanction” means a sanction of a kind for which provision may be made under Part 3 of the Regulatory Enforcement and Sanctions Act 2008 (fixed monetary penalties, discretionary requirements, stop notices and enforcement undertakings).
- (4) Regulations under sub-paragraph (1) may include provision for the imposition of sanctions of that kind whether or not—
- (a) the conduct in respect of which the sanction is imposed constitutes an offence,
  - (b) the person imposing them is a regulator for the purposes of Part 3 of the Regulatory Enforcement and Sanctions Act 2008, or
  - (c) the relevant national authority may make provision for the imposition of sanctions under that Part.
- (5) In this paragraph—
- “relevant requirement” means any requirement imposed by or under a deposit scheme or regulations under sub-paragraph (1);
  - “specified” means specified in, or determined in accordance with, regulations under sub-paragraph (1).

#### Commencement Information

**I9** Sch. 8 para. 5 in force at 9.1.2022 for E.W., see s. 147(2)(d)

**I10** Sch. 8 para. 5 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(f)

#### Interpretation

- 6 In this Schedule—
- “deposit” has the meaning it has in paragraph 1(2)(a);
  - “deposit item” has the meaning it has in paragraph 1(3);
  - “deposit scheme” has the meaning it has in paragraph 1(2);
  - “refund” has the meaning it has in paragraph 1(2)(b);
  - “scheme administrator”, in relation to a deposit scheme, means a person appointed as a scheme administrator of the scheme;
  - “scheme supplier” or “scheme collector” means a person specified as such (see paragraph 1(5));
  - “Scottish deposit administrator” means a person exercising the functions of a scheme administrator in relation to a Scottish deposit and return scheme;
  - “Scottish deposit and return scheme” means a deposit and return scheme under section 84 of the Climate Change (Scotland) Act 2009 (asp 12).

#### Commencement Information

**I11** Sch. 8 para. 6 in force at 9.1.2022 for E.W., see s. 147(2)(d)

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**I12** Sch. 8 para. 6 in force at 28.2.2022 for N.I. by S.R. 2022/54, **art. 2(1)(f)**

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