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STATUTORY INSTRUMENTS

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**1997 No. 648**

**The Producer Responsibility Obligations  
(Packaging Waste) Regulations 1997**

**PART III**

**REGISTRATION**

**Application for registration of a scheme**

**12.**—(1) Subject to paragraph (8) below, an application for registration of a scheme in relation to a year shall be made by the operator of the scheme, on or before 1st April in the year, to the appropriate Agency, being—

- (a) the Agency, where at the date of the application the registered office or principal place of business of the operator of the scheme is in England or Wales;
- (b) SEPA, where at the date of the application the registered office or principal place of business of the operator of the scheme is in Scotland; or
- (c) either the Agency or SEPA, where at the date of the application the operator of the scheme does not have a registered office or principal place of business in Great Britain, or there is more than one operator of the scheme and such operators have registered offices or principal places of business in England and Wales, and in Scotland.

(2) Where the operator of the scheme is a partnership the application for registration shall, where at the date of the application the principal place of business of the partnership is in England and Wales, be made by all the partners, and where at that date the principal place of business of the partnership is in Scotland, be made by any partner acting on behalf of the partnership.

(3) An application for registration of a scheme shall—

- (a) be made in writing;
- (b) contain the initial information set out in Part III of Schedule 4;
- (c) subject to paragraph (7) below, be accompanied by the information specified in, and provided on a form corresponding to, the form set out in Part II of Schedule 4, or provided on a form substantially to that effect, for each class of producer, and aggregating the information in relation to all of the scheme's members who belong to that class;
- (d) be accompanied by a published statement as provided in Part IV of Schedule 4;
- (e) be accompanied by an operational plan for the scheme as provided in Part IV of Schedule 4;
- (f) be accompanied by an undertaking by the operator of the scheme that the conditions referred to in regulation 13 will be complied with;
- (g) be accompanied by a fee calculated as provided in regulation 15; and
- (h) where the operator of the scheme is a partnership whose principal place of business is in England and Wales, or where there is more than one operator of the scheme, be accompanied by a statement as to which partner or operator, respectively, is able to accept

notices or act on behalf of all the partners, or all the operators of the scheme, as the case may be, as provided in regulation 2 above.

(4) A scheme shall not be registered unless it has been approved by the Secretary of State and the operator of the scheme has been notified under regulation 31(5) that it meets the requirements of competition scrutiny referred to in regulation 31, and the operator of the scheme shall supply evidence of that approval and notification to the appropriate Agency—

- (a) where such approval or notification is obtained before making the application to register the scheme, at the time of the application; or
- (b) where such approval or notification is obtained after the application to register is made, as soon as possible after receipt.

(5) An application for registration shall be granted where—

- (a) the operator has complied with paragraphs (3)(a), (b), (d), (f), (g) and (h) and (4) above;
- (b) the appropriate Agency is satisfied that the information provided in accordance with paragraph (3)(c) above, has been provided in accordance with paragraph (7) below; and
- (c) the appropriate Agency is satisfied as to the contents of the operational plan provided as required by paragraph (3)(e) above and shall otherwise be refused.

(6) Where an application for registration of a scheme is granted—

- (a) the appropriate Agency shall, within 28 days of it being granted confirm to the operator of the scheme in writing that the scheme is registered with it; and
- (b) the scheme shall be treated as registered from the beginning of the year of application until any cancellation of the scheme's registration in accordance with regulation 17, except that for the purposes of regulations 32 and 33 the scheme shall be treated as registered from the date of confirmation until any such cancellation.

(7) The further information shall—

- (a) where the application for registration, or compliance with regulation 14, is in relation to any of the years 1997, 1998 or 1999 be provided using the reasonable estimates of the operator of the scheme; and
- (b) where the application for registration, or compliance with regulation 14, is in relation to the year 2000 or any subsequent year, be as accurate as reasonably possible.

(8) Where an application for registration is made in the year 1997 the application shall be made on or before 31st August 1997,