

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) where the conditions in paragraph 2(2) are met.

(2) Where a head organisation has such obligations—

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

Commencement Information

11 Sch. 2 para. 1 in force at 17.7.2023, see [reg. 1\(2\)](#)

2.—(1) The situations referred to in paragraph 1 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 tests for the threshold criteria in regulation 11(4), 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 tests for the threshold criteria in regulation 11(4), 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 tests for the threshold criteria in regulation 11(4), each have obligations under these Regulations.

(2) The conditions referred to in paragraph 1 are that—

- (a) the head organisation satisfies the threshold test relating to turnover in regulation 11(3)(a), and
- (b) subject to paragraphs 3 and 4, 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), together satisfy the threshold test relating to packaging handled in regulation 11(3)(b).

Commencement Information

12 Sch. 2 para. 2 in force at 17.7.2023, see [reg. 1\(2\)](#)

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.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Packaging Waste (Data Collection and Reporting) (Wales) Regulations 2023. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Commencement Information

I3 Sch. 2 para. 3 in force at 17.7.2023, see [reg. 1\(2\)](#)

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.

Commencement Information

I4 Sch. 2 para. 4 in force at 17.7.2023, see [reg. 1\(2\)](#)

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 10(1)(aa) inserted by [S.I. 2024/400 reg. 20\(b\)\(i\)\(bb\)](#)
- Sch. 1 para. 10(1A) inserted by [S.I. 2024/400 reg. 20\(b\)\(ii\)](#)
- Sch. 1 para. 21(1)(c) inserted by [S.I. 2024/400 reg. 20\(h\)\(ii\)](#)
- reg. 6(7) inserted by [S.I. 2024/400 reg. 7\(b\)](#)
- reg. 7A inserted by [S.I. 2024/400 reg. 9](#)
- reg. 8(1)(1A) substituted for reg. 8(1) by [S.I. 2024/400 reg. 10\(a\)](#)
- reg. 8(8A) inserted by [S.I. 2024/400 reg. 10\(g\)](#)
- reg. 8(12A) inserted by [S.I. 2024/400 reg. 10\(j\)](#)
- reg. 17A inserted by [S.I. 2024/400 reg. 17](#)
- reg. 20(3) inserted by [S.I. 2024/400 reg. 18](#)
- reg. 22A inserted by [S.I. 2024/400 reg. 19](#)