Draft Regulations laid before the Scottish Parliament under section 96(4) of the Climate Change (Scotland) Act 2009, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2025 No.

ENVIRONMENTAL PROTECTION

The Deposit and Return Scheme for Scotland Amendment Regulations 2025

Made - - - -	*2025*
Coming into force - -	*2025*

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by sections 84, 89, 90 and 96(2) of the Climate Change (Scotland) Act 2009(**a**) and all other powers enabling them to do so.

In accordance with section 84(6) of that Act, the Scottish Ministers consider that it is expedient to make these Regulations for the purpose of promoting and securing an increase in the recycling of materials.

In accordance with section 96(4) of the 2009 Act, a draft of this instrument has been laid before, and approved by resolution of, the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Deposit and Return Scheme for Scotland Amendment Regulations 2025 and come into force on the day after they are made.

Amendment of the Deposit and Return Scheme for Scotland Regulations 2020

2. The Deposit and Return Scheme for Scotland Regulations 2020(**b**) are amended in accordance with regulations 3 to 33.

Commencement date

3. In regulation 1 (citation and commencement)—

(a) after paragraph (4), insert—

"(4A) In Part 5, regulations 19, 20 and 21 come into force on 1 July 2025 for the purposes only of registration of groceries retailers, return point operators and takeback service providers.",

(**a**) 2009 asp 12.
(**b**) S.S.I. 2020/154, as amended by S.S.I. 2022/76, S.S.I. 2023/201 and S.S.I. 2023/334.

(b) in paragraph (5)(**a**),—

(i) before "the remaining" insert "regulations 19, 20 and 21 for all purposes and" ,

(ii) for "1 October 2025" substitute "1 October 2027".

Interpretation

4.—(1) In regulation 2(1)(**b**) (interpretation)—

(a) at the beginning, insert—

""approved operational plan" means the scheme administrator's operational plan which has been approved by SEPA in accordance with article 4(4) (operational plan) of the Designation Order 2025,",

(b) for the definition of "deposit" substitute—

""deposit" has the meaning given in article 2 (interpretation) of the Designation Order 2025",

"the Designation Order 2025" means the Deposit and Return Scheme for Scotland (Designation of Scheme Administrator) Order 2025(**c**),",

(c) after the definition of "export shop" insert—

""groceries" means one or more of the following sold by a retailer—

(a) food suitable for human consumption (other than sold exclusively for consumption on the premises of sale),

(b) scheme articles or other drinks (alcoholic and non-alcoholic, other than sold exclusively for consumption on the premises of sale),

(c) pet food,

(d) cleaning products,

(e) toiletries and household goods, other than petrol, clothing, DIY products, financial services, pharmaceuticals, newspapers, magazines and books, greetings cards, CDs, DVDs, videos and audio tapes, toys, plants, flowers, perfumes, cosmetics, electrical appliances, kitchen hardware, gardening equipment, books, tobacco and tobacco products,

"groceries retailer" means a retailer which is a supermarket of any size, a grocery store, a convenience store, or a newsagent and which sells groceries,",

(d) in the definition of "hospitality retailer", omit "exclusively",

(e) omit the definition of "listed producer",

(f) in sub-paragraph (b) of the definition of "low volume drink product", from "Scotland" to the end substitute—

"the United Kingdom in a quantity which will not exceed—

(i) 6250 units in the first relevant year,

(ii) 5000 units in any other relevant year,",

(g) in the definition of "producer", in sub-paragraph (b) for "paragraphs 1 to 4 of schedule 5" insert "regulation 6(2A) to (2D)",

(h) in the definition of "registered producer",—

(i) for "SEPA" substitute "the scheme administrator",

(ii) for "chapter 2 of Part 3", substitute "chapter 1 of Part 3 of the Designation Order 2025",

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(**a**) Regulation 1(5) is relevantly amended by S.S.I. 2022/76, S.I. 2023/201 and S.S.I. 2023/334.
(**b**) Regulation 2(1) is relevantly amended by S.S.I. 2022/76 and S.S.I. 2023/201.
(**c**) S.S.I. 2025/XXX.

(i) omit the definition of "registered through a scheme administrator",

(j) for the definition of "relevant year", substitute—

""relevant year" means—

(i) the period beginning on 1st October 2027 and ending on 31st December 2028 ("first relevant year"), or

(ii) the calendar year beginning with 1 January 2029 or any subsequent calendar year,",

(k) after the definition of "retail sale", insert—

""returnable packaging" has the meaning given in regulation 3(2),",

(l) in the definition of "return point", insert after "scheme packaging' in each place it occurs "or returnable packaging",

(m) for the definition of "scheme administrator" substitute—

""scheme administrator" means a person or body designated as the scheme administrator under article 3 (designation of scheme administrator) of the Designation Order 2025,",

(n) after the definition of "scheme article", insert—

""scheme logo" means the scheme logo issued by the scheme administrator under article 5(1) (scheme logo and scheme multipack logo) of the Designation Order 2025,

"scheme multipack" means a multipack which contains scheme articles (whether or not it contains any other items),

"scheme multipack logo" means the scheme multipack logo issued by the scheme administrator under article 5(1) of the Designation Order 2025,",

(o) after the definition of "scheme packaging", insert—

""scheme return code" has the meaning given in article 7(1) (scheme return code) of the Designation Order 2025,",

(p) after the definition of "SEPA" insert—

""sum equal to the deposit" means, in relation to an item of scheme packaging in which a scheme article was contained or sold, an amount equal to the greater of—

(a) the amount of the deposit on the date on which the item of scheme packaging is returned,

(b) the amount of the deposit on the date on which the item of the scheme packaging was supplied with a scheme article,",

(q) in the definition of "takeback service", for "21(1)" substitute "21(3), and "takeback service provider" is to be construed accordingly",

(r) omit the definition of "wholesaler".

(2) After regulation 2(3) (interpretation), insert—

"(4) In the definition of "sum equal to the deposit", the reference to the amount of the deposit is to be read as including the amount of the deposit for a scheme article which is comparable to the item of scheme packaging.

(5) For the purposes of paragraph (4), a scheme article is comparable to the item of scheme packaging if the packaging of the scheme article—

(a) is made wholly or mainly from the same scheme material as the item of scheme packaging,

(b) is of the same size as the item of scheme packaging, and

(c) is marketed, offered for sale or sold to consumers in a scheme multipack, if the item of scheme packaging item was market, offered for sale or sold to a consumer in a multipack.".

Scheme articles and scheme packaging

5. In regulation 3(2)(**a**) (scheme articles and scheme packaging),—

(a) after the definition of "non-Scottish article", insert—

""returnable packaging" means an item of packaging in which a drink was contained or sold and which is subject to any other deposit and return scheme established in another part of the United Kingdom,",

(b) in the definition of "scheme article"—

(i) in sub-paragraph (a)(i), omit "glass,",

(ii) in sub-paragraph (a)(ii)(aa), for "100", substitute "150",

(iii) in sub-paragraph (b), for "1 October 2025" substitute "1 October 2027".

Low volume drink products

6.—(1) In regulation 3A(**b**) (low volume drink products)—

(a) omit paragraph (1)(a),

(b) in paragraph (3) for "1 March 2024" substitute "1 October 2027",

(c) omit paragraph (4).

(2) Omit schedule 5(**c**) (low volume drink products).

Obligations relating to charging deposits and marketing, offering for sale or selling articles

7. In regulation 5 (obligations relating to charging deposits and marketing, offering for sale or selling articles)—

(a) omit paragraph (1),

(b) in paragraph (3)(**d**), for "for "1 October 2025" substitute "1 October 2027",

(c) in paragraph (3A)(**e**), for "1 October 2025" substitute "1 October 2027",

(d) before paragraph (4) insert—

"(3B) Any person who markets, offers for sale or sells a scheme article in Scotland must ensure that the scheme article carries—

(a) the scheme logo, and

(b) the scheme return code,

regardless of whether the scheme article is, or is intended to be, marketed, offered for sale or sold to a consumer in a scheme multipack.

(3C) Any person who markets, offers for sale or sells a scheme article in Scotland as part of a scheme multipack must ensure that the multipack carries the scheme multipack logo (if any).

(3D) Any person who markets, offers for sale or sells a low volume drink product in Scotland must ensure that the low volume drink product does not carry any or all of the scheme logo, the multipack logo or the scheme return code.

(3E) For the purposes of paragraph (3D), it is irrelevant if the low volume drink product is intended to be marketed, offered for sale or sold as a single item or in a multipack.

(**a**) Regulation 3(2) is relevantly amended by S.S.I. 2022/76, S.S.I. 2023/201 and S.S.I. 2023/334.
(**b**) Regulation 3A was inserted by S.S.I. 2023/201.
(**c**) Schedule 5 was inserted by S.S.I. 2023/201.
(**d**) Regulation 5(3) is relevantly amended by S.S.I. 2022/76 and S.S.I. 2023/201.
(**e**) Regulation 5(3A) was inserted by S.S.I. 2022/76 and is relevantly amended by S.S.I. 2023/201.

(3F) Any person who markets, offers for sale or sells a low volume drink product in Scotland must ensure that a multipack which includes only low volume drink products does not carry the scheme multipack logo.",

(e) in paragraph (4),—

(i) in the introductory words, for "and (3)", substitute ", (3), (3B), (3C), (3D) or (3F)",

(ii) in sub-paragraphs (a) and (b), for "or non-scheme article" in each place it occurs substitute ", non-scheme article, scheme multipack or low volume drink product".

Producers

8. In regulation 6(**a**) (producers)—

(a) after paragraph (2) insert—

"(2A) A producer in respect of a low volume drink product which meets the conditions set out in paragraph (2B) is the person who markets, offers for sale or sells a low volume drink product to a consumer in Scotland ("the low volume drink product retailer").

(2B) The conditions are that—

(a) an item of packaging, in which that low volume drink product is contained or sold, is filled and sealed by the low volume drink product retailer, and

(b) the low volume drink product is sold by the low volume drink product retailer to a consumer for consumption in any place other than on the premises of sale.

(2C) A producer in respect of any other low volume drink product is—

(a) in the case of a low volume drink product branded in the United Kingdom, the brand owner,

(b) in the case of a low volume drink product branded by a brand owner outside the United Kingdom, the importer.

(2D) The operator in respect of an online retail sale is to be regarded as the importer for the purposes of paragraph (2C) where a low volume drink product is being sold—

(a) for the first time in the United Kingdom,

(b) to a consumer in Scotland, and

(c) by way of a retail sale.".

(b) in paragraph (3)—

(i) in the definition of "brand owner"—

(aa) after "packaging" insert ", or, as the case may be, on a low volume drink product or on packaging for that low volume drink product,",

(bb) after "scheme article" where it appears the second time insert ", or, as the case may be, the low volume drink product",

(ii) in the definition of "importer", after "scheme article" insert ", or, as the case may be, the low volume drink product,".

Application for registration of a producer

9. In regulation 7(**b**) (application for registration of a producer)—

(a) for paragraph (1), substitute—

"(1) An application for registration of a producer must be made to the scheme administrator by the producer.",

(b) for paragraph (2) substitute—

(**a**) Regulation 6 is relevantly amended by S.S.I. 2022/76.
(**b**) Regulation 7(2) is relevantly amended by S.S.I. 2022/76 and S.S.I. 2023/201.

"(2) An application for registration of a producer must be made—

(a) before 1 October 2027, or

(b) where a person is not a producer on that date, within 28 days of that person becoming a producer.",

(c) in paragraph (3)(b), omit "subject to paragraph (4),",

(d) in paragraph (3)(c), for "requested by SEPA" substitute "as may be reasonably requested by the scheme administrator",

(e) at the end of paragraph (3)(c), omit "and" and sub-paragraph (d),

(f) for paragraphs (4) and (5), substitute—

"(4) Where the application is granted, the producer will be treated as registered from the date specified by the scheme administrator under article 23(2)(b) (producer registration) of the Designation Order 2025.".

Producer registration

10. Omit regulations 8(**a**) (producer registration) and 9(**b**) (cancellation of registration of producers).

Producer obligations: general

11. For regulation 10 (producer obligations: general) substitute—

"**10.**—(1) A registered producer must—

(a) notify the scheme administrator of any material change in the information provided in accordance with regulation 7(3)(b) and (c), within 28 days of the date of the change,

(b) collect and keep for at least seven years from the date on which the information is collected a record of the information specified in paragraph (2),

(c) provide the information specified in paragraph (2) in such form and at such intervals as the scheme administrator may reasonably require,

(d) provide any other information, that the scheme administrator may reasonably require, in such form and at such intervals as the scheme administrator may reasonably require.

(2) The information referred to in paragraph (1)(b) and (c) is—

(a) the number of scheme articles first made available by the registered producer to be marketed, offered for sale or sold for the purposes of their retail sale in Scotland,

(b) whether the scheme packaging in which those scheme articles were contained or sold was made wholly or mainly from PET plastic, steel or aluminium,

(c) the sizes of the scheme packaging in which those scheme articles were contained or sold,

(d) if any of the scheme articles were to be made available in scheme multipacks, the size of those multipacks,

(e) if the registered producer is a producer of a low volume drink product—

(i) the number of low volume drink products first made available by the registered producer to be marketed, offered for sale or sold for the purposes of their retail sale in the United Kingdom,

(ii) whether the packaging which is designed or conceived to come into direct contact with the drink and in which those low volume drink products were

(**a**) Regulation 8 is relevantly amended by S.S.I. 2023/201 and S.S.I. 2023/334.
(**b**) Regulation 9 is relevantly amended by S.S.I. 2023/201.

contained or sold was made wholly or mainly from PET plastic, steel or aluminium,

(iii) the sizes of that packaging in which those low volume drink products were contained or sold,

(iv) if any of the low volume drink products were to be made available in multipacks, the size of those multipacks.

(3) A registered producer must notify the scheme administrator in writing where the registered producer has ceased to be a producer within 28 days of ceasing to be a producer.

(4) Where the registration of a producer is cancelled by the scheme administrator in accordance with article 24(1) or (3) (cancellation of registration of producer) of the Designation Order 2025, the producer must continue to comply with paragraph (1)(b) and (c).".

Producer obligations: further provision

12. For regulation 11 (producer obligations: further provision), substitute—

"**11.**—(1) A registered producer must pay to the scheme administrator—

(a) any registration fees determined by the scheme administrator under article 25 (registration fees for registered producers) of the Designation Order 2025,

(b) an amount equivalent to the deposit for each scheme article which a registered producer markets, offers for sale or sells in Scotland.

(2) A registered producer must pay any amounts referred to in paragraph (1) to the scheme administrator—

(a) by such date, or at such intervals, as the scheme administrator may determine,

(b) by such means as the scheme administrator may determine.".

Producers registered through a scheme administrator

13. Omit regulation 12 (producer obligations: producers registered through a scheme administrator).

Scheme administrator

14. Omit regulations 13 (scheme administrator), 14 (application for approval of a scheme administrator), 15 (approval of scheme administrator) and 17 (withdrawal of approval of a scheme administrator) and schedule 2 (scheme administrator approval: Information to be contained in an application for scheme administrator approval).

Obligations of a scheme administrator

15. For regulation 16 (obligations of a scheme administrator), substitute—

"**16.**—(1) The scheme administrator must act in accordance with its approved operational plan.

(2) The scheme administrator must submit an annual report to the Scottish Ministers and to SEPA for each relevant year.

(3) The annual report must set out how, and the extent to which, the scheme administrator has in the relevant year acted in accordance with its operational plan.

(4) The annual report must be submitted to the Scottish Ministers and to SEPA as soon as is reasonably practicable, and in any event within a period of 6 weeks beginning with the end of the relevant year to which it relates.

(5) The scheme administrator must meet the minimum collection targets specified in schedule 3 in respect of scheme packaging containing a scheme article first made available

by registered producers to be marketed, offered for sale or sold for the purposes of its retail sale in Scotland.

Collection etc. of scheme packaging and returnable packaging from return point operators, hospitality retailers and takeback service providers and connected payment

16A.—(1) The scheme administrator must—

(a) collect from return point operators all of the scheme packaging or returnable packaging accepted by those return point operators,

(b) collect from hospitality retailers all of the scheme packaging kept by those hospitality retailers,

(c) collect, or accept the return of, all of the scheme packaging or returnable packaging accepted by takeback service providers.

(2) The scheme administrator must pay each return point operator from whom it collects scheme packaging or returnable packaging—

(a) the sum equal to the deposit for each item of scheme packaging or returnable packaging that it collects from the return point operator, and

(b) the handling payment determined by the scheme administrator under article 14 (handling payment) of the Designation Order 2025.

(3) The scheme administrator must pay hospitality retailers from whom it collects any scheme packaging the total amount of sums equal to the deposits which have been paid by those hospitality retailers in respect of the collected scheme packaging.

(4) The scheme administrator must pay each takeback service provider from whom it collects, or accepts, scheme packaging or returnable packaging the sum equal to the deposit for each item of scheme packaging or returnable packaging that it collects, or accepts, from takeback service provider.

(5) The scheme administrator must make any payment required under paragraphs (2)(a), (3) or (4)—

(a) at such intervals, and

(b) in such manner

as are determined in accordance with its approved operational plan.

Information about returns data

16B.—(1) A scheme administrator must—

(a) supply returns data to its registered producers,

(b) inform each registered producer, in such manner and at such intervals as are determined in accordance with its operational plan, of how many of each of the producer's scheme articles were returned to the scheme administrator and in respect of which sums equal to the deposit were paid, within a particular time period, and

(c) make available the returns data to SEPA.

(2) In paragraph (1) "returns data" means—

(a) information that enables registered producers to determine the number of scheme articles returned or not returned to the scheme administrator, including the proportion of returns by product,

(b) information about deposits that are unredeemed,

(c) information relating to the locations of returns, and

(d) information about returns received by the scheme administrator from any other scheme administrator of a deposit and return scheme established in another part of the United Kingdom.".

Retailer obligations

16. For regulation 19(**a**) (retailer obligations), substitute—

"**19.**—(1) A retailer must comply with the obligations in regulation 5(2), (3), (3B), (3C), (3D) and (3F).

(2) A groceries retailer must operate a return point at any retail premises in Scotland at which a scheme article is marketed, offered by sale or sold by that groceries retailer, unless—

(a) those retail premises of the groceries retailer have limited retail space and are situated in an urban area,

(b) those retail premises are an export shop,

(c) the sale of a scheme article on those retail premises is solely by way of a vending machine,

(d) the sale of a scheme article on those retail premises is solely by way of a distance retail sale, or

(e) the groceries retailer has been granted an exemption by the scheme administrator under article 29(2) (exemptions for groceries retailers from operating return points) of the Designation Order 2025 in relation to those premises.

(3) A groceries retailer that is required to operate a return point under paragraph (2) in respect of any retail premises must—

(a) be registered with the scheme administrator in respect of those premises under article 27(1) (registration of groceries retailer as a return point operator) of the Designation Order 2025,

(b) clearly display information on those premises about how a deposit can be redeemed in relation to a scheme article.

(4) A retailer, to which paragraph (3) does not apply, must clearly display information about how a deposit can be redeemed—

(a) in the case of scheme article marketed, offered for sale or sold on its retail premises, on those premises,

(b) in the case of a scheme article marketed, offered for sale or sold by way of distance retail sale, in any place where the scheme article is displayed for sale,

(c) in the case of a scheme article marketed, offered for sale or sold by way of a vending machine, on the vending machine.

(5) For the purposes of paragraph (2)(a)—

(a) "limited retail space" means retail space of less than 100m2, regardless of whether that retail space is situated within, or forms part of, a larger building or premises and regardless of the uses, nature or purposes of the larger building or premises,

(b) "urban" means an area which is classed either as a large urban areas (class 1) or as any other urban area (class 2) by reference to the document titled "Scottish Government Urban Rural Classification 2020" published by the Scottish Government on 31 May 2022(**b**).".

Return points

17.—(1) In regulation 20(**c**) (return points)—

(a) in paragraph (1), from "including a retailer" to the end substitute—

(**a**) Regulation 19 is relevantly amended by S.S.I. 2023/201.

(**b**) The document titled "Scottish Government Urban Rural Classification 2020" is available at https://www.gov.scot/publications/scottish-government-urban-rural-classification-2020/.

(**c**) Regulation 20 was relevantly amended by S.S.I. 2023/201.

"and who is—

(i) a groceries retailer registered by the scheme administrator in accordance with article 27(1) of the Designation Order 2025,

(ii) a voluntary return point operator registered by the scheme administrator in accordance with article 31 (registration of voluntary return point operators) of the Designation Order 2025, or

(iii) the scheme administrator.",

(b) in paragraph (2)(a) and (b), after "packaging" insert "or returnable packaging",

(c) in paragraph (2)(c)—

(i) after "packaging" insert "or returnable packaging",

(ii) for ", or on behalf of, a producer or a" substitute "the",

(d) in paragraph (3)(b), for "SEPA" substitute "the scheme administrator",

(e) in paragraph (4)—

(i) in sub-paragraph (a), after "packaging" insert "or returnable packaging",

(ii) in sub-paragraph (e)—

(aa) for "a producer or" substitute "the",

(bb) for "that producer or" substitute "the",

(iii) in sub-paragraph (f)—

(aa) insert at the beginning "in relation to a return to a groceries retailer,",

(bb) after "packaging" insert "or returnable packaging",

(cc) before "retailer sells" insert "groceries",

(iv) for sub-paragraph (g)(**a**), substitute—

"(g) it is scheme packaging or returnable packaging for a drink which the return point operator does not or would not market, offer for sale or sell for reasons of faith or belief,

(h) in relation to a return to voluntary return point operator, it is part of a single proposed return by a consumer that contains a number of items of scheme packaging or returnable packaging which is greater than the maximum number of items of scheme packaging or returnable packaging that the voluntary return point operator has informed the scheme administrator, as part of its application to operate a voluntary return point, that it will accept.",

(f) omit paragraph (5)(**b**).

Application for registration of a groceries retailer as return point operator

18. After regulation 20 (return points) insert—

"Application for registration of a groceries retailer as return point operator

20ZA.—(1) An application for registration of a groceries retailer as a return point operator must be made to the scheme administrator—

(a) before 1 October 2027, or

(b) where the person is not a groceries retailer at that date, within 28 days of a person becoming a groceries retailer.

(2) An application for registration must—

(**a**) Paragraph (4)(g) was inserted by S.S.I. 2023/201.
(**b**) Paragraph (5) is inserted by S.S.I. 2023/201.

(a) be made in writing,

(b) contain the information set out in schedule 1A, and

(c) include any information as may be reasonably requested by the scheme administrator.

(3) Where the application is granted, the return point operator will be treated as registered from the date specified by the scheme administrator under article 27(1)(b) (registration of the groceries retailer as a return point operator) of the Designation Order 2025.

(4) A groceries retailer which is registered as a return point operator must—

(a) comply with the obligations in regulation 20, and

(b) notify the scheme administrator of any material change in the information provided in accordance with paragraph (2) within 28 days of the date of the change.

Effect of making an application for a return point exemption: applications ongoing at 1st October 2027

20ZB.—(1) This regulation applies where—

(a) a groceries retailer applies for an exemption under regulation 20ZA before 1st October 2027, and

(b) the scheme administrator has not made a decision on that application by the end of 30th September 2027.

(2) Irrespective of the final outcome of the exemption application, the groceries retailer is not required to operate a return point in respect of the premises specified in the exemption application during the period—

(a) beginning with 1st October 2027, and

(b) ending—

(i) if the return point exemption is granted, immediately before the exemption takes effect,

(ii) if the return point exemption is refused and the groceries retailer has asked the scheme administrator to review its decision under article 20 (internal review of decisions made by the scheme administrator) of the Designation Order 2025, at the end of the period during which the review is carried out,

(iii) if the return point exemption is refused and the groceries retailer has not asked the scheme administrator to review its decision under article 20 of the Designation Order 2025, at the end of the period within which the groceries retailer could have asked the scheme administrator to review its decision under article 20 of the Designation Order 2025.

Effect of making an application for a return point exemption: person becoming a groceries retailer on or after 1st October 2027

20ZC.—(1) This regulation applies where a person who becomes a groceries retailer on or after 1st October 2027 applies for an exemption under regulation 20ZA.

(2) The groceries retailer is not required to operate a return point in respect of the premises specified in the exemption application during the period—

(a) beginning with the day on which the application is received by the scheme administrator, and

(b) ending—

(i) if the return point exemption is granted, immediately before the exemption takes effect,

(ii) if the return point exemption is refused and the groceries retailer has asked the scheme administrator to review its decision under article 20 of the

Designation Order 2025, at the end of the period during which the review is carried out,

(iii) if the return point exemption is refused and the groceries retailer has not asked the scheme administrator to review its decision under article 20 of the Designation Order 2025, at the end of the period within which the groceries retailer could have asked the scheme administrator to review its decision under article 20 of the Designation Order 2025.".

Hospitality retailers

19. In regulation 20A(**a**) (hospitality retailers), for ", or on behalf of, a producer or a" substitute "the".

Takeback services

20. For regulation 21(**b**) (takeback services) substitute—

"**21.**—(1) A person may provide a takeback service only if they are registered with the scheme administrator under article 34 (registration of takeback service providers) of the Designation Order 2025 as a takeback service provider.

(2) A person may make an application to the scheme administrator for registration as a takeback service provider.

(3) For the purpose of these Regulations, a "takeback service" is a service provided by the takeback service provider enabling—

(a) an item of scheme packaging in which a scheme article was contained or sold or returnable packaging to be collected from a consumer, and

(b) the payment to that consumer of a sum equal to the deposit for each item of scheme packaging or returnable packaging so collected and returned.

(4) An application for registration as a takeback service provider must—

(a) be made in writing,

(b) contain the information set out in schedule 1B, and

(c) include any information as may be reasonably requested by the scheme administrator.

(5) Where the application is granted, the takeback service provider will be treated as registered from the date specified by the scheme administrator under article 34(3) of the Designation Order 2025.

(6) A takeback service provider must notify the scheme administrator of any material change in the information provided in accordance with paragraph (4) within 28 days of the date of the change.

(7) Unless paragraph (8) applies, a takeback service provider must pay to the consumer a sum equal to the deposit for each item of scheme packaging or returnable packaging returned to the takeback service provider.

(8) This paragraph applies if any returned item of packaging—

(a) is not identifiable as scheme packaging or returnable packaging,

(b) is soiled,

(c) is not intact, or

(d) is not empty.

(**a**) Regulation 20A is inserted by S.S.I. 2023/201.
(**b**) Regulation 21 is substituted by S.S.I. 2023/201.

(9) A takeback service provider must retain the scheme packaging or returnable packaging for collection by the scheme administrator.".

Exemptions for return points

21. For regulation 22 (exemptions for return points), substitute—

"**22.** A groceries retailer may apply to the scheme administrator for an exemption from operating a return point in respect of a retail premises either—

(a) on proximity grounds, if it is made on the grounds that there is one or more alternative return points located within reasonable proximity to those retail premises, or

(b) on premises grounds, if it is made on the grounds that the location, layout, size, design, or construction of those retail premises does not permit, or cannot reasonably be altered to permit, the operation of a return point on those premises.".

Revocation of an exemption for a return point

22. Omit regulation 23 (revocation of an exemption for a return point).

Application for exemption of a return point

23. In regulation 24 (application for exemption of a return point)—

(a) omit paragraph (1),

(b) for paragraph (2), substitute—

"(2) An application for exemption in accordance with regulation 22(a) or (b) must—

(a) be made in writing,

(b) contain the information set out in schedule 1C, and

(c) include any information as may be reasonably requested by the scheme administrator,",

(c) for paragraph (3), substitute—

"(3) Where the application is granted, the groceries retailer will be treated as exempt from operating a return point from the date specified by the scheme administrator under article 29(4)(a)(iii) (exemptions for groceries retailers from operating return points) of the Designation Order 2025.",

(d) for paragraph (4) substitute—

"(4) A groceries retailer that has been granted an exemption from operating a return point must—

(a) clearly display information at the groceries retailer's premises indicating—

(i) that by virtue of an exemption granted by the scheme administrator, they do not operate a return point in respect of those premises and the reason for that exemption, and

(ii) the location of the nearest return point,

(b) notify the scheme administrator of any material change, to—

(i) any of the circumstances under which the exemption in respect of those premises was granted, or

(ii) any of the information provided as part of an application for exemption under regulation 22(a) or (b),

within 28 days of the date of the change.",

(e) omit paragraph (5).

Voluntary return point operators

24. In regulation 25 (voluntary return point operators)—

(a) in paragraph (1)—

(i) for "19(1)(b)," substitute "19(2) only",

(ii) for "Scottish Ministers" substitute "scheme administrator",

(iii) for "in accordance with this regulation" substitute "under article 31 (registration of voluntary return point operators) of the Designation Order 2025",

(b) in paragraph (2)(c), for "requested by the Scottish Ministers" substitute "as may be reasonably requested by the scheme administrator",

(c) omit paragraphs (3) to (7),

(d) in paragraph (8)(b),—

(i) for "Scottish Ministers" substitute "scheme administrator",

(ii) at the end insert "within 28 days of the date of the change",

(e) in paragraph (9), for 'of receipt' to the end substitute "on which the registration takes effect",

(f) omit paragraphs (10) and (11).

Appeals and reviews

25. Omit Part 6 (appeals and reviews).

Enforcement authority

26. In regulation 30(**a**) (enforcement authority)—

(a) in paragraph (4)(k), for "distance retailer" substitute "takeback service provider",

(b) in paragraph (12), for "10, 11, 12 and 16" substitute "16(2) or 16B(1)(c)".

Enforcement authority costs

27. After regulation 30, insert—

"**Enforcement authority costs**

30A. SEPA must request payment from the scheme administrator to recover the reasonable costs incurred by SEPA in exercising their enforcement functions conferred by, or under, these Regulations or their functions conferred by, or under, the Designation Order 2025, by such means or in such manner and at such intervals as are agreed with the scheme administrator.".

Offences

28. In regulation 31(**b**) (offences)—

(a) at the end of paragraph (1)(f) insert—

",

(g) regulation 5(3B),

(h) regulation 5(3C),

(i) regulation 5(3D),

(**a**) Regulation 30 is relevantly amended by S.S.I. 2022/76 and S.S.I. 2023/201.
(**b**) Regulation 31 is relevantly amended by S.S.I. 2022/76 and S.S.I. 2023/201.

(j) regulation 5(3F)",

(b) in paragraph (2)—

(i) for sub-paragraph (b), substitute—

"(b) an application for registration of a groceries retailer to operate a return point submitted in accordance with regulation 20ZA,",

(ii) in sub-paragraph (c), before "retailer" insert "groceries",

(iii) after sub-paragraph (c) insert—

"(ca) an application for registration of takeback service provider submitted in accordance with regulation 21,",

(iv) for sub-paragraph (e) substitute—

"(e) a notification to the scheme administrator of any material change in accordance with—

(i) regulation 10(1)(a),

(ii) regulation 20ZA(4)(b),

(iii) regulation 21(6),

(iii) regulation 24(4)(b),

(iv) regulation 25(8)(b),",

(v) omit sub-paragraphs (f) to (h),

(c) for paragraph (3) substitute—

"(3) It is an offence for a producer whose registration is cancelled by the scheme administrator to fail, without reasonable excuse, to comply with regulation 10(4).",

(d) in paragraph (4), for "10(1)(b) and (c)" substitute "10(1)(b), (c), (d) and (3) and 11(1)(a) and (b)",

(e) omit paragraphs (5) and (6),

(f) for paragraph (7) substitute—

"(7) It is an offence for the scheme administrator to fail, without reasonable excuse, to comply with the obligations set out in—

(a) regulation 16(1) ,

(b) regulation 16(2),

(c) regulation 16(5),

(d) regulation 16A(1),

(e) regulation 16A(2) to (4),

(f) regulation 16B(1).

(7A) It is an offence for the scheme administrator to fail to comply with a request for payment by SEPA under regulation 30A (enforcement authority costs).",

(g) for paragraph (8), substitute—

"(8) It is an offence for a groceries retailer to fail, without reasonable excuse, to comply with—

(a) regulation 19(2),

(b) regulation 19(3)(a).

(8A) It is an offence for a groceries retailer to fail to comply with—

(a) regulation 19(3)(b),

(b) regulation 20ZA(1)(a) or (b).

(8B) It is an offence for a retailer to fail to comply with regulation 19(4).

(8C) It is an offence for a hospitality retailer to fail to comply with regulation 20A.",

(h) after paragraph (9), insert—

"(9A) It is an offence for takeback service provider to contravene, without reasonable excuse, regulation 21(1).

(9B) It is an offence for a takeback service provider to fail, without reasonable excuse, to comply with—

(a) regulation 21(7),

(b) regulation 21(9).

(9C) It is an offence for a voluntary return point operator to contravene, without reasonable excuse, regulation 25(1).",

(i) in paragraph (14), for "(8)(b) to (d)", substitute "(8A)(a) or (b), (8B) or (8C)".

Duty to review these Regulations

29. In regulation 32 (duty to review these Regulations)—

(a) in paragraph (1)(**a**) for "1 October 2029" substitute "1 October 2032",

(b) omit paragraph (3)(b).

Producer registration: Information to be contained in an application for producer registration

30. In schedule 1 (producer registration: Information to be contained in an application for producer registration), for paragraphs 7 to 12, substitute—

"**7.** The number of scheme articles that the producer anticipates it will place on the market, offer for sale or sell for the purposes of retail sale in Scotland in any relevant year, or within any time period as reasonably determined by the scheme administrator, together with information about—

(a) whether the scheme packaging in which those scheme articles are to be contained or sold is to be made wholly or mainly from PET plastic, steel or aluminium,

(b) the sizes of the scheme packaging in which those scheme articles are to contained or sold, and

(c) if any of the scheme articles are to be made available in multipacks, the size of those multipacks.

8. In relation to any low volume drink product produced by the producer, the number of low volume drink products that the producer anticipates it will place on the market, offer for sale or sell for the purposes of retail sale in Scotland in any relevant year, or within any time period as reasonably determined by the scheme administrator, together with information about—

(a) whether the packaging material which is designed or conceived to come into direct contact with those low volume drink products is to be made wholly or mainly from PET plastic, steel or aluminium,

(b) the sizes of that packaging in which those low volume drink products are to be contained or sold, and

(c) if any of low volume drink products are to be made available in multipacks, the size of those multipacks.".

(**a**) Regulation 32(1) is relevantly amended by S.S.I. 2023/201 and S.S.I. 2023/334.

Information to be contained in applications for registration of groceries retailers operating return points, takeback service providers and return point exemptions

31. Schedules 1 to 3 of these Regulations are inserted as schedules 1A to 1C in the Deposit and Return Scheme for Scotland Regulations 2020.

Collection targets

32. For paragraph 1 of schedule 3(**a**) (collection targets), substitute—

"**1.** The minimum collection targets which a scheme administrator must meet in respect of scheme packaging containing a scheme article in each calendar year are as follows—

(a) for the calendar year beginning 1 January 2028 and ending 31 December 2028, 70% of the number of items of scheme packaging first made available to be marketed, offered for sale or sold for the purposes of retail sale in Scotland by registered producers in that calendar year,

(b) for the calendar year beginning 1 January 2029 and ending 31 December 2029, 80% of the number of items of scheme packaging first made available to be marketed, offered for sale or sold for the purposes of retail sale in Scotland by registered producers in that calendar year,

(c) subject to paragraph 2, for the calendar year beginning 1 January 2030 and each subsequent calendar year, 90% of the number of items of scheme packaging first made available to be marketed, offered for sale or sold for the purposes of retail sale in Scotland by registered producers in that calendar year.

2. The target in paragraph 1(c) must include a minimum of—

(a) 85% of the number of items of scheme packaging first made available to be marketed, offered for sale or sold for the purposes of retail sale in Scotland by registered producers made mainly or wholly from PET plastic,

(b) 85% of the number of items of scheme packaging first made available to be marketed, offered for sale or sold for the purposes of its retail sale in Scotland by registered producers made mainly or wholly from steel or aluminium.".

Registration of a voluntary return point operator

33. In schedule 4, for paragraph 6(**b**), substitute—

"**6.** Whether the applicant intends, in relation to a single proposed return by a consumer that contains a number of items of scheme packaging or returnable packaging, to impose a limit on the maximum number of items of scheme packaging or returnable packaging that the applicant will accept as part of a single return in accordance with regulation 20(4)(h), and if the applicant does so intend, what that limit is.".

Name
A member of the Scottish Government

St Andrew's House,
Edinburgh
Date

(**a**) Schedule 3 was amended by S.S.I. 2022/76 and S.S.I. 2023/201.
(**b**) Paragraph 6 was inserted by S.S.I. 2022/76.

SCHEDULE 1

Regulation 31

NEW SCHEDULE 1A TO BE INSERTED INTO THE DEPOSIT AND RETURN SCHEME FOR SCOTLAND REGULATIONS 2020

"SCHEDULE 1A

Regulation 20ZA(2)

Information to be contained in an application for registration of a groceries retailer operating a return point

1. The name (including business name) of the groceries retailer.

2. The address and telephone number of the registered or principal office of the groceries retailer.

3. Where the groceries retailer is a company, the company registration number as kept by Companies House, if applicable.

4. The name and telephone number of a contact person for the groceries retailer, and, where available, an email address for that person.

5. Where the groceries retailer is a partnership, the names of all the partners.

6. The address of each premises in respect of which the groceries retailer is required to operate a return point."

SCHEDULE 2

Regulation 31

NEW SCHEDULE 1B TO BE INSERTED INTO THE DEPOSIT AND RETURN SCHEME FOR SCOTLAND REGULATIONS 2020

"SCHEDULE 1B

Regulation 21(4)

Information to be contained in the application for registration of a takeback service provider

1. The name (including business name) of the person who will be the takeback service provider.

2. The address and telephone number of the registered or principal office of that takeback service provider.

3. Where that takeback service provider is a company, the company registration number as kept by Companies House, if applicable.

4. Where that takeback service provider is a partnership, the names of all the partners.

5. The name and telephone number of a contact person for that takeback service provider, and, where available, an email address for that person.

6. Information which demonstrates—

(a) that the person applying for registration has sufficient resources to set up and operate the proposed takeback service for at least 12 months,

(b) the number of items of scheme packaging or returnable packaging that the person estimates will be collected during each month and the basis for that estimate, and

(c) how the person intends to manage the expected volume of returns of scheme packaging and returnable packaging."

SCHEDULE 3

Regulation 31

NEW SCHEDULE 1C TO BE INSERTED INTO THE DEPOSIT AND RETURN SCHEME FOR SCOTLAND REGULATIONS 2020

"SCHEDULE 1C

Regulation 24(2)

Information to be contained in the application for a return point exemption

1. The name (including business name) of the groceries retailer making an application for a return point exemption.

2. The address and telephone number of the registered or principal office of the groceries retailer.

3. Where the groceries retailer is a company, the company registration number as kept by Companies House, if applicable.

4. The name and telephone number of a contact person for the groceries retailer, and, where available, an email address for that groceries retailer.

5. Where the groceries retailer is a partnership, the names of all the partners.

6. Information about the location of the alternative return point, if the application is being made under regulation 22(a).

7. The information specified in paragraph 8, if the application is being made under regulation 22(b).

8. The specified information is information to demonstrate that the location, layout, design, or construction of the retail premises does not permit, or cannot be reasonably altered to permit, the operation of a return point on the premises."

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Deposit and Return Scheme for Scotland Regulations 2020 ("the 2020 Regulations") which make provision for the operation of a deposit and return scheme. These Regulations come into force on the day after they are made.

Regulation 3 provides for regulations 19, 20 and 21 of the 2020 Regulations to come into force on 1 July 2025 for the purposes only of registration of groceries retailers, return point operators and takeback service providers; it also amends the date in regulation 1(5) of the 2020 Regulations (the date on which parts 2, 7 and 8, and the remaining provisions in Part 5, of the 2020 Regulations come into force) to 1 October 2027. Regulation 4 insert various new definitions and amends some existing definitions in the interpretation provisions in regulation 2(1) of the 2020 Regulations.

Regulation 5 amends the definition of scheme article and inserts a definition of returnable packaging into the 2020 Regulations.

Regulation 6 amends regulation 3A of the 2020 Regulations to remove the provisions relating to listed producers of low volume drink products; it also omits schedule 5 of the 2020 Regulations.

Regulation 7 amends regulation 5 of the 2020 Regulations so that the obligations take effect from 1 October 2027. It also prohibits the sale of scheme articles if they do not carry a scheme logo, scheme multipack logo (if any) and scheme code. Low volume drink products cannot be sold if they carry a scheme logo, scheme multipack logo or scheme code. Regulation 8 inserts into regulation 6 of the 2020 Regulations a definition of a producer in relation to low volume drink products.

Regulation 9 amends regulation 7 of the 2020 Regulations to amend the producer registration requirements. A producer must register with the scheme administrator which is designated separately under the Deposit and Return Scheme for Scotland (Designation of Scheme Administrator) Order 2025 ("the Designation Order 2025"). Regulation 10 omits regulations 8 and 9 of the 2020 Regulations.

Regulation 11 substitutes regulation 10 of the 2020 Regulations with a new regulation 10 to require producers to comply with certain obligations to inform the scheme administrator of material changes and to collect and maintain records of information specified in the new regulation 10(2) on scheme articles. Regulation 12 substitutes regulation 11 of the 2020 Regulations with a new regulation 11 to require producers to pay to the scheme administrator registration fees and deposits on scheme articles placed on the market. Regulation 13 omits regulation 12 of the 2020 Regulations.

Regulation 14 omits regulations 13, 14, 15 and 17, and schedule 2, of the 2020 Regulations relating to the scheme administrator as the scheme administrator is designated under the Designation Order 2025. Regulation 15 imposes new obligations on the scheme administrator in relation to operating in accordance with its approved operational plan, submitting an annual report, meeting collection targets, collecting scheme packaging or returnable packaging and providing information about returns data.

Regulation 16 amends regulation 19 of the 2020 Regulations to require groceries retailers to operate a return point. A groceries retailer is exempt from operating a return point if they meet certain criteria. Requirements are placed on any retailers exempt from operating a return point to display information about how deposits are redeemed.

Regulation 17 amends regulation 20 of the 2020 Regulations in relation to return point operators.

Regulation 18 inserts new regulations 20ZA, 20ZB and 20ZC into the 2020 Regulations to make provision in relation to registration of groceries retailers as return point operators.

Regulation 19 amends regulation 20A of the 2020 Regulations in relation to hospitality retailers.

Regulation 20 substitutes regulation 21 of the 2020 Regulations with a new regulation 21 to require any person who wishes to operate a takeback service to be registered with the scheme administrator to provide a takeback service to consumers to enable them to return items of scheme packaging, and imposes obligations on such takeback service providers.

Regulation 21 substitutes a new regulation 22 on exemptions for groceries retailers from operating return points. Regulation 22 omits regulation 23 of the 2020 Regulations. Regulation 23 amends regulation 24 of the 2020 Regulations in relation to applications for return point exemptions. Regulation 24 amends regulation 25 of the 2020 Regulations on voluntary return point operators.

Regulation 25 omits Part 6 of the 2020 Regulations on appeals and reviews as these are now redundant.

Regulation 26 makes minor consequential amendments to SEPA's enforcement powers in regulation 30. Regulation 27 inserts a new regulation 30A in relation to recovery of SEPA's costs in exercising its enforcement functions under the Regulations and its functions under the Designation Order 2025. Regulation 28 inserts new offences into regulation 31 of the 2020 Regulations in relation to the new obligations contained in regulations 5(3B), 5(3C), 5(3D) and 5(3F), 16(1), (2) and (5), 16A, 16B (1), 19(2), (3) and (4), 20ZA(1), 20A, 21(1), (7) and (9), and 25(1) of the 2020 Regulations (as either inserted or amended by these Regulations).

Regulation 29 amends the date by which the 2020 Regulations must be reviewed and removes the requirement that the review should consider the amount of the deposit.

Regulation 30 amends schedule 1 in relation to the information registered producers are required to provide to the scheme administrator.

Regulation 31 inserts new schedules 1A, 1B and 1C into the 2020 Regulations. Regulation 32 amends schedule 3 of the 2020 Regulations in relation to the collection targets which must be met by the scheme administrator. Regulation 33 inserts a new paragraph into schedule 4 of the 2020 Regulations.

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