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

2026 No.

ENVIRONMENTAL PROTECTION

The Deposit and Return Scheme for Scotland Amendment Regulations 2026

Made - - - -	*****
Coming into force - -	*2026*

The Scottish Ministers make the following Regulations in exercise of the powers conferred 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 that 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 2026 and come into force on the day after the day on which 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 14.

Commencement date

3. In regulation 1(**c**) (citation and commencement)—

(a) after paragraph (4A)(**d**), insert—

(**a**) 2009 asp 12; section 84(8) was inserted by section 10(3) of the Circular Economy (Scotland) Act 2024 (asp 13).
(**b**) S.S.I. 2020/154, relevantly amended by S.S.I. 2022/76, S.S.I. 2023/201 and S.S.I. 2025/188.
(**c**) Regulation 1 was relevantly amended by S.S.I. 2022/76 and S.S.I. 2025/188.
(**d**) Paragraph (4A) was inserted by S.S.I. 2025/188.

"(4B) In Part 7—

(a) regulations 30, 30A, and 31(7)(a) and (7A) come into force on 1 January 2027, in so far as they relate to the functions of the scheme administrator under Part 4,

(b) regulation 31(11), (12) and (15) to (17) come into force on 1 January 2027, in so far as they relate to an offence committed by the scheme administrator under regulation 31(7)(a) or (7A),

(c) the remaining provisions come into force on 1 October 2027.".

(b) in paragraph 5, omit ", 7".

Interpretation

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

(a) omit the definition of "export shop",

(b) omit the definition of "returnable packaging" where it appears after the definition of "retail sale",

(c) after the definition of "return point operator", insert—

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

(d) omit the definition of "sum equal to the deposit" where it appears after the definition of "SEPA",

(e) after the definition of "single-use packaging", 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 the amount of the deposit—

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

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

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

5. In regulation 5(4)(**b**) (obligations relating to charging deposits and marketing, offering for sale or selling articles), omit paragraph (a).

Obligations of a scheme administrator

6. In regulation 16(4)(**c**) (obligations of a scheme administrator), for "6" substitute "12".

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

7. In regulation 16A(1)(b)(**d**) (collection etc. of scheme packaging and returnable packaging from return point operators, hospitality retailers and takeback service providers and connected payment), insert at the end ", if the hospitality retailer requests a collection".

(**a**) Regulation 2(1) was relevantly amended by S.S.I. 2025/188.
(**b**) Regulation 5 was relevantly amended by S.S.I. 2025/188.
(**c**) Regulation 16 was substituted by S.S.I. 2025/188.
(**d**) Regulation 16A was inserted by S.S.I. 2025/188.

Retailer obligations

8. In regulation 19(**a**) (retailer obligations)—

(a) omit paragraph (2)(b),

(b) after paragraph (4), insert—

"(4A) Where a hospitality retailer markets, offers for sale or sells a scheme article exclusively for consumption on the premises of sale, that hospitality retailer may decide not to charge a deposit under regulation 5(2)(a) for that scheme article.

(4B) In circumstances where paragraph (4A) applies, that hospitality retailer must clearly display information on the premises of sale indicating that—

(a) the scheme article that the hospitality retailer markets, offers for sale or sells exclusively for consumption on the premises of sale is not a scheme article for which the hospitality retailer is required to charge a deposit under these Regulations,

(b) customers are not to remove scheme packaging from the premises of sale of the hospitality retailer.".

Return points

9. In regulation 20(2)(**b**) (return points), for "Subject to paragraphs (4) and (5), a", substitute "A".

Hospitality retailers

10. Omit regulation 20A(**c**) (hospitality retailers).

Effect of making an application for a return point exemption

11. In regulation 20ZB(1)(a)(**d**) (effect of making an application for a return point exemption: applications ongoing at 1st October 2027) and in regulation 20ZC(1)(**e**) (effect of making an application for a return point exemption: person becoming a groceries retailer on or after 1st October 2027), for "20ZA", substitute "22(a) or (b)".

Offences

12. In regulation 31 (offences),—

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

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

(b) regulation 10(1)(b),

(c) regulation 10(1)(c),

(d) regulation 10(1)(d),

(e) regulation 10(3),

(**a**) Regulation 19 was substituted by S.S.I. 2025/188.
(**b**) Regulation 20(2) was relevantly amended by S.S.I. 2023/201.
(**c**) Regulation 20A was inserted by S.S.I. 2023/201 and amended by S.S.I. 2025/188.
(**d**) Regulation 20ZB was inserted by S.S.I. 2025/188.
(**e**) Regulation 20ZC was inserted by S.S.I. 2025/188.
(**f**) Paragraph (4) was amended by S.S.I. 2025/188.

(f) regulation 11(1)(a),

(g) regulation 11(1)(b)",

(b) omit paragraph (5A)(**a**),

(c) in paragraph (8)(**b**), for the full-stop at the end of sub-paragraph (b) substitute a comma and insert—

"(c) regulation 20ZA(4)(b),

(d) regulation 24(4)(a),

(e) regulation 24(4)(b).",

(d) in paragraph (8C)(**c**), for "20A" substitute "19(4B)",

(e) before paragraph (9B)(a)(**d**), insert—

"(za) regulation 21(6),",

(f) omit paragraph (13).

Amendment of schedules 1, 1A, 1B and 1C

13.—(1) In paragraph 3 of schedule 1 (producer registration: information to be contained in an application for producer registration), omit "as kept by Companies House".

(2) In paragraph 3 of each of schedule 1A(**e**) (information to be contained in an application for registration of a groceries retailer operating a return point), schedule 1B(**f**) (information to be contained in the application for registration of a takeback service provider) and schedule 1C(**g**) (information to be contained in the application for registration of a return point exemption), omit "as kept by Companies House, if applicable".

Amendment of schedule 1C

14. In paragraph 8 of schedule 1C after "layout" insert ", size".

Name
A member of the Scottish Government

St Andrew's House
Edinburgh

(**a**) Paragraph (5A) was inserted by S.S.I. 2023/201.
(**b**) Paragraph (8) was substituted by S.S.I. 2025/188.
(**c**) Paragraph (8C) was inserted by S.S.I. 2025/188.
(**d**) Paragraph (9B) was inserted by S.S.I. 2025/188.
(**e**) Schedule 1A was inserted by S.S.I. 2025/188.
(**f**) Schedule 1B was inserted by S.S.I. 2025/188.
(**g**) Schedule 1C was inserted by S.S.I. 2025/188.

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 the day on which they are made.

Regulation 3 provides for regulations 30, 30A and 31(7)(a) and (7A) of the 2020 Regulations to come into force on 1 January 2027 in so far as they relate to the functions of the scheme administrator under Part 4; regulation 31(11), (12) and (15) to (17) come into force on 1 January 2027, in so far as they relate to an offence committed by the scheme administrator under regulation 31(7)(a) or (7A); and for the remaining provisions of Part 7 to come fully into force on 1 October 2027.

Regulation 4 omits the definition of "export shop" from regulation 2(1) of the 2020 Regulations and re-inserts the definitions of "returnable packaging" and "sum equal to the deposit" in the correct positions. Regulation 5 omits regulation 5(4)(a) of the 2020 Regulations to remove the exception provisions in relation to items marketed, offered for sale or sold in export shops or exclusively for consumption on the premises of sale.

Regulation 6 amends regulation 16(4) of the 2020 Regulation to change the deadline for the submission by the scheme administrator of its annual report from 6 to 12 weeks after the end of the relevant year. Regulation 7 amends regulation 16A of the 2020 Regulations so that the requirement on the scheme administrator to collect scheme packaging from hospitality retailers applies only when the hospitality retailer has requested a collection.

Regulation 8(a) amends regulation 19 of the 2020 Regulations to remove the exemption for groceries retailers which are export shops from operating return points. Regulation 8(b) further amends regulation 19 to allow hospitality retailers to decide not to charge the deposit when they market, offer for sale or sell a scheme article exclusively for consumption on the premises of sale, and imposes obligations in such cases to display certain information to customers. Regulation 10 removes regulation 20A of the 2020 Regulations to remove the requirement on hospitality retailers to retain scheme packaging for collection.

Regulations 9, 11 and 14 correct minor errors in the 2020 Regulations. Regulation 12 amends the offences provisions in the 2020 Regulations to align with amendments to obligations in the 2020 Regulations and to correct minor errors. Regulation 13 amends paragraph 3 of schedules 1, 1A, 1B and 1C to clarify the wording.

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