This Scottish Statutory Instrument has been printed to correct errors in S.S.I 2025/189 and is being issued free of charge to all known recipients of that Scottish Statutory Instrument.

Draft Order 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 (Designation of Scheme Administrator) Amendment Order 2026

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

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 85 and 96(2) of the Climate Change (Scotland) Act 2009(**a**) and all other powers enabling them to do so.

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. This Order may be cited as the Deposit and Return Scheme for Scotland (Designation of Scheme Administrator) Amendment Order 2026 and comes into force on the day after the day on which it is made.

Amendment of the Deposit and Return Scheme for Scotland (Designation of Scheme Administrator) Order 2025

2. The Deposit and Return Scheme for Scotland (Designation of Scheme Administrator) Order 2025(**b**) is amended in accordance with articles 3 to 9.

Interpretation

3. In article 2 (interpretation), insert after the definition of "other scheme administrator"—

""producer" has the meaning given in regulation 2(1) of the Regulations,".

(**a**) 2009 asp 12; section 85(4) is substituted by section 25(2) of the Circular Economy (Scotland) Act 2024 (asp 13).
(**b**) S.S.I. 2025/189.

Amounts to be paid to SEPA

4. In article 16 (amounts to be paid to SEPA), omit "under this Part".

Cancellation of registration of producer

5. In article 24 (cancellation of registration of producer)—

(a) in paragraph (2)(a) and (5)(b), omit "scheme",

(b) in paragraph (7), for "scheme producer" substitute "registered producer" in each place it occurs.

Registration fees for registered producers

6. In article 25 (registration fees for registered producers)—

(a) in the opening words in paragraph (3), omit "scheme" where it appears before "producer",

(b) after paragraph (11), insert—

"(11A) The scheme administrator may charge a registered producer interest, at a rate determined by the scheme administrator, on the amount of any registration fee which is not paid by the registered producer at the times and intervals or by the means specified by the scheme administrator under paragraph (11).".

Exemptions for groceries retailers from operating return points

7. In article 29(1)(b) (exemptions for groceries retailers from operating return points), after "layout" insert ", size".

Registration of voluntary return point operators

8. In article 31 (registration of voluntary return point operators)—

(a) in paragraph (9)(b), for "(8)(b)" substitute "(2)",

(b) in paragraph (13)(c), after "the person has" insert "a right".

Registration as a takeback service provider

9. In article 34(10)(b) (registration of as a takeback service provider), for "(6)" substitute "(4)".

Name
A member of the Scottish Government

St Andrew's House
Edinburgh

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Deposit and Return Scheme for Scotland (Designation of Scheme Administrator) Order 2025 ("the 2025 Order") which designates the scheme administrator which will operate and manage the deposit and return scheme ("the Deposit and Return Scheme") established under the Deposit and Return Scheme for Scotland Regulations 2020. The Deposit and Return Scheme operates in relation to scheme articles which are drinks that are intended to be sold to consumers in Scotland and are contained in single-use packaging made from polyethylene terephthalate (PET) plastic, aluminium and steel. The Order comes into force on the day after the day on which it is made.

Article 3 inserts a definition of a producer. Articles 4, 5, 6(a), 7, 8 and 9 correct minor errors in the 2025 Order. Article 6(b) gives the scheme administrator a power to charge interest at a rate specified by it on any late payment of the registration fee by the registered producer.

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Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, the King's Printer for Scotland.

ISBN 978-0-11-106726-0

£6.40

http://www.legislation.gov.uk/id/sdsi/2026/9780111067260

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