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

2025 No.

ENVIRONMENTAL PROTECTION

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

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

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.

PART 1

General

Citation and commencement

1. This Order may be cited as the Deposit and Return Scheme for Scotland (Designation of Scheme Administrator) Order 2025 and comes into force on the day after it is made.

Interpretation

2. In this Order—

"code" means a bar code, QR code or other code from which information can be obtained by scanning it electronically,

"collection targets" means the collection targets which the scheme administrator must meet under regulation 16(5)(**b**) (obligations of a scheme administrator) of the Regulations,

"consumer" has the meaning given in regulation 2(1)(**c**) (interpretation) of the Regulations,

"deposit" means the deposit determined by the scheme administrator under article 9(1),

"Deposit and Return Scheme" means the deposit and return scheme which is established under 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**) Regulation 16(5) is inserted by S.S.I. 2025/XXX.
(**c**) Regulation 2(1) is amended by S.S.I. 2022/76, S.S.I. 2023/201 and S.S.I. 2025/XXX.

"groceries retailer" has the meaning given in regulation 2(1) of the Regulations,

"hospitality retailer" has the meaning given in regulation 2(1) of the Regulations,

"low volume drink product" has the meaning given in regulation 2(1) of the Regulations,

"other deposit and return scheme" means a deposit and return scheme established in another part of the United Kingdom",

"other scheme administrator" means a scheme administrator of any other deposit and return scheme,

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

"registration fee" has the meaning given in article 25(2),

"the Regulations" means the Deposit and Return Scheme for Scotland Regulations 2020(**a**),

"relevant year" has the meaning given in regulation 2(1) of the Regulations,

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

"returnable packaging" means an item of packaging that is designed or conceived to come in direct contact with a drink which is subject to any other deposit and return scheme,

"return point" has the meaning given in regulation 2(1) of the Regulations,

"return point operator" has the meaning given in regulation 2(1) of the Regulations,

"scheme administrator" means the person designated as the scheme administrator under article 3,

"scheme article" has the meaning given in regulation 3(2)(**b**) (scheme articles and scheme packaging) of the Regulations,

"scheme logo" means a single logo designed to be carried on each scheme article to identify it as a scheme article,

"scheme material" means polyethylene terephthalate (PET) plastic, aluminium or steel,

"scheme multipack" has the meaning given in regulation 2(1) of the Regulations,

"scheme multipack logo" means a single logo designed to be carried on each scheme multipack to identify the scheme multipack as packaging which contains one or more scheme articles,

"scheme packaging" has the meaning given in regulation 3(2) of the Regulations,

"scheme return code" has the meaning given in article 7(1),

"SEPA" means the Scottish Environment Protection Agency(**c**),

"SEPA's costs" means the enforcement costs requested by SEPA under regulation 30A(**d**) (enforcement authority costs) of the Regulations for exercising the enforcement functions conferred on SEPA by, or under, the Regulations or for exercising the functions conferred on SEPA by, or under, this Order,

"takeback service" and "takeback service provider" have the meaning given in regulation 2(1) of the Regulations.

(**a**) S.S.I. 2020/154, as amended by S.S.I. 2022/76, S.S.I. 2023/201, S.S.I. 2023/334 and S.S.I. 2025/XXX.
(**b**) Regulation 3(2) is amended by S.S.I. 2022/76, S.S.I. 2023/201, S.S.I. 2023/334 and S.S.I. 2025/XXX.
(**c**) SEPA is established under section 20 of the Environment Act 1995 (c. 25).
(**d**) Regulation 30A is inserted by S.S.I. 2025/XXX.

PART 2

Scheme administrator

CHAPTER 1

Designation of scheme administrator and operational plan

Designation of scheme administrator

3. UK Deposit Management Organisation Limited(**a**) is designated as the scheme administrator for the Deposit and Return Scheme.

Operational plan

4.—(1) The scheme administrator must submit its operational plan to SEPA by 31 March 2026.

(2) The scheme administrator—

(a) must state in its operational plan how it intends to comply with its obligations under the Regulations and to exercise the functions conferred on it under this Order,

(b) must consider how its operational plan would adapt to and manage any expansion of the types of scheme material,

(c) may review its operational plan at any time, and must do so—

(i) by the end of the period of 12 months beginning with 1 October 2027, and

(ii) subsequently at intervals not exceeding 12 months.

(3) The scheme administrator may revise its operational plan following a review under paragraph (2)(c) and must submit any revision of it, as soon as reasonably possible, to SEPA.

(4) SEPA may approve with or without modifications—

(a) the operational plan submitted under paragraph (1),

(b) any revision of the operational plan submitted under paragraph (3).

(5) An approval for the purposes of paragraph (4) must be given in writing.

(6) The scheme administrator must promptly incorporate any revision approved under paragraph (4) into its operational plan and must send a copy of that revised operational plan to SEPA, if requested to do so.

(7) The scheme administrator must send a copy of the operational plan, or as the case may be, the revised operational plan, approved by SEPA under paragraph (4), to the Scottish Ministers, if requested to do so.

CHAPTER 2

Scheme logo, scheme multipack logo and scheme return code

Scheme logo and scheme multipack logo

5.—(1) The scheme administrator—

(a) must issue a scheme logo to registered producers,

(b) may issue a scheme multipack logo to registered producers.

(2) A scheme logo or scheme multipack logo may from time to time be withdrawn and replaced by the scheme administrator.

(**a**) UK Deposit Management Organisation Limited is a private limited company bearing company number 16278705 and having its registered office at 27 Old Gloucester Street, London, United Kingdom, WC1N 3AX.

(3) Before deciding to issue, withdraw or replace a scheme logo or scheme multipack logo, the scheme administrator must have regard to the likely impact of the decision on registered producers.

(4) Where the scheme administrator issues or replaces any scheme logo or scheme multipack logo, the scheme administrator must specify the date from which that logo is to be used by registered producers.

(5) The date specified for the purposes of paragraph (4) must be a date which the scheme administrator is satisfied gives registered producers sufficient notice of the change before it takes effect.

Publication of scheme logo and scheme multipack logo

6. The scheme administrator must publish—

(a) the scheme logo, and

(b) the scheme multipack logo (if any),

in such manner as the scheme administrator considers appropriate to bring them to the attention of retailers and consumers.

Scheme return code

7.—(1) In this Order "scheme return code", in relation to a scheme article, means a code which—

(a) when scanned electronically, enables the registered producer of the scheme article to be identified, and

(b) meets any code requirements.

(2) For the purposes of paragraph (1)(b), "code requirements", in relation to a code, means any additional requirements specified for the time being by the scheme administrator.

(3) The requirements which the scheme administrator may specify under paragraph (2) include—

(a) requirements as to the technological or security standards that a code must meet to be used as a scheme return code, or

(b) requirements as to the information to be retrieved when the code is scanned electronically.

(4) The scheme administrator may—

(a) specify the same requirements for the code to be used on all scheme articles, or

(b) specify different requirements for the codes to be used on different scheme articles.

(5) In determining whether, and if appropriate, what requirements to specify under paragraph (2), the scheme administrator must have regard to the likely impact of those requirements on registered producers.

(6) Before making changes to the requirements specified for any scheme article under paragraph (2), the scheme administrator must have regard to the likely impact of those changes on registered producers.

(7) Where the scheme administrator changes the requirements specified for any scheme article under paragraph (2), the scheme administrator must specify the date from which the code containing those requirements is to be used.

(8) The date specified for the purposes of paragraph (7) must be a date which the scheme administrator is satisfied gives registered producers sufficient notice of the change before it takes effect.

(9) The scheme administrator must take such steps as it considers appropriate to ensure that registered producers are aware of the code requirements (if any) and any changes to them.

Agreement on a scheme logo, scheme packaging logo, and scheme return code

8.—(1) The scheme administrator must use its best endeavours to reach agreement with any other scheme administrator on a scheme logo, scheme multipack logo, and on code requirements specified under article 7(2).

(2) Before issuing a scheme logo or scheme multipack logo under article 5 or specifying the code requirements under article 7(2), the scheme administrator must—

(a) consult—

(i) such persons as appear to the scheme administrator to represent those likely to be affected by the scheme administrator issuing such scheme logo or scheme multipack logo, or specifying such code requirements, including in particular persons who represent the interests of small producers, small retailers and wholesalers that market, offer for sale or sell schemes article in Scotland,

(ii) any other scheme administrator, and

(iii) such other persons (if any) as the scheme administrator considers appropriate, and

(b) have regard to the views expressed in responses to the consultation.

CHAPTER 3

Deposit

Requirement to determine the amount of the deposit

9.—(1) The scheme administrator must determine the amount of the deposit in respect of scheme articles.

(2) In making a determination under paragraph (1), the scheme administrator must—

(a) use its best endeavours to reach agreement with any other scheme administrator on setting the same amount of deposit for any other deposit and return scheme, and

(b) have regard to any determinations of the amount of the deposit by any other scheme administrator when the scheme administrator determines the amount of the deposit.

(3) The scheme administrator must publish a notice, in such manner as it considers appropriate, which specifies the amount of the deposit in respect of scheme articles.

(4) If requested to do so, the scheme administrator must inform the Scottish Ministers of the methodology, data and evidence relied upon to calculate and determine the amount of the deposit.

Determination of revised amount of the deposit

10.—(1) The scheme administrator may determine a revised amount of the deposit in respect of any scheme articles.

(2) The scheme administrator must publish a notice, in such manner as it considers appropriate, which specifies—

(a) the revised amount of the deposit in respect of the scheme articles, and

(b) the date on which the revised amount of the deposit takes effect.

(3) The date specified for the purposes of paragraph (2)(b) must not be before the end of the period of three calendar months beginning with the date on which the relevant notice is published.

The amount of the deposit: supplementary provisions

11.—(1) The amount of the deposit may be—

(a) the same in respect of all scheme articles, or

(b) different in respect of different scheme articles.

(2) For the purposes of paragraph (1)(b), the scheme administrator may determine the amount of the deposit by reference to, for example—

(a) the size of the scheme packaging,

(b) the scheme material from which the scheme packaging is wholly or mainly made,

(c) whether the scheme articles are marketed, offered for sale or sold to a consumer as single items or in scheme multipacks.

(3) The scheme administrator, when determining the amount of the deposit for any scheme article, must have regard to—

(a) the purposes of promoting or securing an increase in the recycling of scheme materials,

(b) the collection targets,

(c) the likely impact of the amount of the deposit on the ability of consumers to purchase scheme articles,

(d) the likely impact of the amount of the deposit on the use of scheme packaging by registered producers (including the scheme material used to make that scheme packaging, the size of the scheme packaging and the use of scheme multipacks),

(e) the likely impact on the purchase of scheme articles by consumers (including the scheme material used to make the scheme packaging, the size of the scheme packaging purchased and the purchase of scheme multipacks or single items),

(f) the likely impact on consumers, the purposes of promoting or securing an increase in recycling of scheme materials, and the collection targets, if the amount of the deposit for a scheme article is different to any comparable amount payable for comparable items under any other deposit and return scheme, and

(g) the likely impact of a proposed amount of the deposit on the operation of any other deposit and return scheme.

(4) Before making a determination of the amount of the deposit under article 9(1), the scheme administrator must—

(a) consult—

(i) such persons as appear to the scheme administrator to represent those likely to be affected by the determination, including in particular persons who represent the interests of small producers, small retailers and wholesalers that market, offer for sale or sell scheme articles in Scotland,

(ii) any other scheme administrator, and

(iii) such other persons (if any) as the scheme administrator considers appropriate, and

(b) have regard to the views expressed in responses to the consultation.

(5) For the purposes of paragraph (3)(f), "comparable item", in relation to a scheme article, means an item which can be returned under any other deposit and return scheme and is—

(a) made wholly or mainly from the same scheme material as the scheme packaging in which the scheme article is contained or sold,

(b) of the same size as the scheme packaging in which the scheme article is contained or sold, and

(c) marketed, offered for sale or sold in a multipack, if the scheme article is marketed, offered for sale or sold in a scheme multipack.

Use of amounts received as deposits

12.—(1) The scheme administrator must—

(a) retain the amounts paid to it by registered producers under regulation 11(1)(b)(**a**) (producer obligations: further provision) of the Regulations, and

(b) use those amounts to meet the cost of sums paid by it for scheme packaging and returnable packaging items under regulation 16A(**b**) (collection etc. of scheme packaging and returnable packaging from return point operators, hospitality retailers and takeback service providers and connected payment) of the Regulations.

(2) If any amount remains after the costs mentioned in paragraph (1)(b) have been paid, the scheme administrator must use such of that amount towards any of SEPA's costs which have not otherwise been met.

(3) If any amount remains after a payment has been made to SEPA under paragraph (2), the scheme administrator may use that remaining amount for the purpose of meeting the costs of exercising any of the scheme administrator's functions under, or in connection with, the Deposit and Return Scheme.

CHAPTER 4

Return Points

Review of operation of return points

13.—(1) The scheme administrator must, at such intervals as it considers appropriate, carry out a review of the operation of all return points in Scotland.

(2) In carrying out a review under paragraph (1), the scheme administrator must in particular consider—

(a) the number of return points,

(b) the location of the return points, and in particular whether consumers have reasonable access to at least one return point,

(c) the numbers of items of scheme packaging and returnable packaging that are returned through the return points,

(d) the costs involved in the operation of the return points,

(e) the likely impact on the number of items of scheme packaging and returnable packaging returned through return points if the number of return points were to be increased or decreased or the location of return points changed without increasing or decreasing the number of those return points,

(f) the likely impact on the costs incurred in the operation of, or income derived from, the Deposit and Return Scheme if the number of return points were to be increased or decreased or the location of return points changed without increasing or decreasing the number of return points,

(g) any information as to general litter levels and the levels of scheme packaging or returnable packaging in litter,

(h) any information as to footfall of return points,

(i) whether there is sufficient access to return points for persons living in villages and rural areas and on islands.

(3) Where the scheme administrator considers that the number of return points could be decreased without either—

(a) reducing the number of items of scheme packaging and returnable packaging that are returned through the Deposit and Return Scheme, or

(b) reducing or removing reasonable access to return points in any part of Scotland,

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(**a**) Regulation 11(1)(b) is substituted by S.S.I. 2025/XXX.
(**b**) Regulation 16A is inserted by S.S.I. 2025/XXX.

the scheme administrator may take any of the steps specified in paragraph (4).

(4) The steps mentioned in paragraph (3) are—

(a) propose to any groceries retailer registered as a return point operator that they apply to the scheme administrator for a return point exemption in respect of those premises specified by the scheme administrator,

(b) propose to any return point operator who is registered to operate a voluntary return point under article 31 at or on any premises that they request the cancellation of their registration to operate that voluntary return point,

(c) cease to operate any return point that the scheme administrator operates.

(5) Where the scheme administrator considers that an increase in the number of return points is needed to either—

(a) increase the number of items of scheme packaging and returnable packaging that are returned through the Deposit and Return Scheme, or

(b) improve access to return points for consumers in any part of Scotland,

the scheme administrator may take one or more of the steps specified in paragraph (6).

(6) The steps mentioned in paragraph (5) are—

(a) carry out a review of the current return point exemptions and decide whether to propose the revocation of any of them,

(b) set up and operate one or more additional return points itself,

(c) any other step the scheme administrator considers appropriate.

(7) For the purposes of any steps taken under paragraph (4) or (6), the scheme administrator—

(a) must have regard to the likely impact on the costs of operating the Deposit and Return Scheme,

(b) may take different steps in relation to different parts of Scotland.

The handling payment

14.—(1) The scheme administrator must provide for a payment (a "handling payment") to be paid by the scheme administrator to each return point operator, other than the scheme administrator itself.

(2) The scheme administrator must determine the amount of the handling payment having regard to all relevant factors including—

(a) costs of purchasing or leasing any machinery, equipment or materials required for the collection or storage (or both) of scheme packaging and returnable packaging,

(b) costs of staff time dedicated to the collection or storage (or both) of scheme packaging and returnable packaging,

(c) costs of rental value of the floor space or any other part of any premises used solely for the collection or storage (or both) of scheme packaging and returnable packaging.

(3) For the purposes of determining the handling payment under paragraph (2), the scheme administrator may—

(a) apply average costs incurred by return point operators, or, as the case may be, a class of return point operators in relation to the costs listed in paragraph (2)(a), (b) or (c),

(b) determine how such average costs are to be calculated,

(c) determine that the amount of the handling payment be different in different cases.

(4) Before determining the amount of the handling payment under paragraph (2), the scheme administrator must consult—

(a) return point operators or persons representing return point operators, including in particular persons who represent the interests of small retailers in Scotland, and

(b) such other persons (if any) as the scheme administrator considers appropriate,

and have regard to the views expressed in responses to the consultation.

(5) A determination of the amount of the handling payment under paragraph (2) has effect for a period no longer than three years from the date of that determination.

(6) The scheme administrator—

(a) may make a further determination under paragraph (2) of the amount of the handling payment at any time, and

(b) must make a further determination under paragraph (2) to take effect at the end of the period of three years from the date of the previous determination.

Amounts received in connection with recycling arrangements

15.—(1) The scheme administrator may retain any amount that it receives in connection with any arrangements made by it for the recycling of any scheme packaging which it has collected.

(2) The scheme administrator—

(a) must use any amount retained under paragraph (1) to meet any of SEPA's costs that have not otherwise been met,

(b) may, if any amount remains, use that amount to meet the costs of carrying out its functions under, or in connection with, the Deposit and Return Scheme.

CHAPTER 5

SEPA

Amounts to be paid to SEPA

16. The scheme administrator must make any payment required to be made to SEPA under this Part by such means or in such manner and at such intervals as are agreed with SEPA.

Co-operation

17.—(1) The scheme administrator must enter into and maintain arrangements with SEPA for securing the co-operation and the exchange of information for the carrying out of SEPA's enforcement functions under the Regulations or SEPA's functions under this Order.

(2) The scheme administrator and SEPA must—

(a) review the arrangements from time to time, and

(b) revise them when they consider it appropriate to do so.

CHAPTER 6

Co-operation with other scheme administrators

Co-operation and joint working with other scheme administrators

18.—(1) The scheme administrator may—

(a) where it considers it appropriate to do so for the efficient and effective performance of the Deposit and Return Scheme or any of its functions under the Deposit and Return Scheme, co-operate or work jointly with any other scheme administrator,

(b) provide advice or assistance to any other scheme administrator for the purposes of, or in connection with, the functions of that other scheme administrator.

(2) Such arrangements may, for example, include—

(a) arrangements intended to simplify registration procedures for producers who market, offer for sale or sell drinks in Scotland and in other parts of the United Kingdom,

(b) arrangements intended to simplify the process of returning scheme packaging or returnable packaging for the final user or consumer,

(c) arrangements for the recycling, or to facilitate the recycling of, any scheme material recovered from scheme packaging or returnable packaging returned through any other deposit and return scheme.

Payments to any other scheme administrator

19. The scheme administrator may make payments to any other scheme administrator in connection with the operation of the Deposit and Return Scheme or any other deposit and return scheme, including, but not limited to, payments of the total amount of sums equal to the deposits which have been paid by any other scheme administrator in respect of scheme packaging returned through any other deposit and return scheme.

CHAPTER 7

Review of decisions of the scheme administrator

Internal review of decisions made by the scheme administrator

20.—(1) This article applies if—

(a) the scheme administrator makes a relevant decision, and

(b) within a period of 28 days beginning with the date on which the affected person receives notice of the decision, or such longer period as the scheme administrator may specify under article 21(1)(a), the affected person applies to the scheme administrator for a review of the decision.

(2) In the table contained in this article—

(a) each decision mentioned in column 1 of the table is a "relevant decision", and

(b) a person is an "affected person" in relation to such a decision if they are mentioned in the corresponding entry in column 2 of the table.

(3) The scheme administrator must carry out a review of the relevant decision in accordance with article 21.

(4) On conclusion of the review of a relevant decision, the scheme administrator must—

(a) confirm the decision (whether on the same or different grounds),

(b) make such changes to the decision as the scheme administrator considers appropriate, or

(c) revoke the decision.

(5) The scheme administrator must notify the affected person of the decision on the review as soon as reasonably practicable after the decision is taken.

Column 1: relevant decision	Column 2: affected person
Decision to cancel registration of producer under article 24	registered producer
Decision as to amount of registration fee payable by registered producer under article 25	registered producer
Decision as to amount of handling payment payable to a return point operator under article 14	return point operator
Decision to cancel a groceries retailer's registration as a return point operator under article 28	groceries retailer whose registration is cancelled

Decision to refuse an application for an exemption from operating a return point under article 29	groceries retailer making the application
Decision to revoke a return point exemption under article 30	groceries retailer whose exemption is revoked
Decision to refuse registration of a voluntary return point under article 31	person making the application
Decision to cancel registration of a voluntary return point under article 31	person whose registration is cancelled
Decision to refuse registration of a takeback service provider under article 34	person making the application
Decision to cancel registration of a takeback service provider under article 34	person whose registration is cancelled

Internal review: procedure

21.—(1) The scheme administrator may specify the procedure for the internal review of a relevant decision and, in particular, may—

(a) set out the circumstances in which the scheme administrator may accept an application after the end of the period specified in article 20(1)(b),

(b) specify the form and manner in which an application for an internal review is to be made,

(c) specify the information which an application for an internal review must contain and any documentation which must accompany such an application,

(d) enable the scheme administrator to request such further information or documentation as is reasonably required for it to complete an internal review of the relevant decision, and specify—

(i) the form and manner in which such further information or documentation is to be provided,

(ii) the period within which such further information or documentation is to be provided,

(e) include provision to allow the scheme administrator to disregard any information or documentation not provided in the specified form or manner, or within the specified period.

(2) The scheme administrator must not require the payment of any fee in connection with an application for an internal review.

(3) In this article "relevant decision" has the meaning given in article 20(2)(a).

Status of certain decisions pending outcome of internal review

22.—(1) This article applies where an affected person applies for an internal review of a relevant decision.

(2) The effect of the relevant decision is suspended during the period—

(a) beginning with the day on which the application for the internal review is made, and

(b) ending with the end of the day on which the person is notified of the scheme administrator's decision on that application in accordance with article 20(5).

(3) In this article "affected person" and "relevant decision" have the meanings given in article 20(2).

PART 3

Registration

CHAPTER 1

Registration of producers and fees for registration

Producer registration

23.—(1) Where the scheme administrator receives a registration application, the scheme administrator—

(a) may make a decision on a registration application before 1 October 2027, and

(b) must grant the registration application and register the applicant as a registered producer, if the scheme administrator is satisfied that the registration application meets the requirements of regulation 7(3)(**a**) (application for registration of a producer) of the Regulations, or

(c) otherwise, must refuse the registration application.

(2) The scheme administrator must notify the applicant in writing—

(a) of its decision concerning the registration application,

(b) if the application is granted, of the date on which the registration takes effect, and

(c) if the registration application is refused, of the reasons for that decision.

(3) The scheme administrator must complete the steps required under paragraphs (1) and (2) within a reasonable period of receiving the registration application.

(4) The scheme administrator must publish and maintain a list of registered producers in such manner as it considers appropriate.

(5) In this article, "registration application" means an application made by a producer under regulation 7(1)(**b**) of the Regulations for registration with the scheme administrator.

Cancellation of registration of producer

24.—(1) The scheme administrator must cancel the registration of a producer where—

(a) the producer has notified it under regulation 10(3)(**c**) (producer obligations: general) of the Regulations that the producer has ceased to be a producer, and

(b) the scheme administrator is satisfied that that is the case.

(2) Where the scheme administrator cancels the registration of a producer by virtue of paragraph (1), it must give that producer a notice which—

(a) states that the registration of the scheme producer has been cancelled, and

(b) specifies the date on which that cancellation takes effect.

(3) The scheme administrator may cancel the registration of a producer where—

(a) the scheme administrator has not received a notification under regulation 10(3) of the Regulations, and

(b) it appears to the scheme administrator that a registered producer has ceased to be a producer.

(4) Before cancelling the registration under paragraph (3), the scheme administrator must give a written notice which—

(**a**) Regulation 7(3) is amended by S.S.I. 2025/XXX.
(**b**) Regulation 7(1) is substituted by S.S.I. 2025/XXX.
(**c**) Regulation 10(3) is substituted by S.S.I. 2025/XXX.

(a) states why the scheme administrator is proposing to cancel that person's registration as a producer,

(b) specifies the date when the proposed cancellation is intended to take effect,

(c) states that the person has the opportunity to make representations to the scheme administrator, and

(d) specifies the form and manner in which such representations are to be made and the deadline for receipt of such representations, which must not be less than 28 days beginning with the date on which the person receives the written notice.

(5) The scheme administrator—

(a) must consider any representations which that person has made before the date specified under paragraph (4)(d),

(b) must accept a representation made by that person that the person is a scheme producer.

(6) The scheme administrator must notify that person of its decision.

(7) Where the scheme administrator decides to proceed with the cancellation of that person's registration as a scheme producer, the scheme administrator must give that person a notice in writing which—

(a) states that the person's registration as a scheme producer is being cancelled and the reasons why,

(b) specifies the date on which the cancellation of the registration will take effect, and

(c) states that the person has a right under article 20 to request the scheme administrator to review its decision.

(8) The date specified for the purposes of paragraph (7)(b) must not be before the end of the expiry of the time limit for requesting a review of the decision under article 20.

Registration fees for registered producers

25.—(1) The scheme administrator may, for each relevant year, charge any registered producer during all or part of that relevant year, a fee.

(2) The fee charged under paragraph (1) (the "registration fee") may be used for the purposes of meeting any or all of the following costs—

(a) SEPA's costs, and

(b) the costs incurred by the scheme administrator in exercising its functions under, or in connection with, the Deposit and Return Scheme.

(3) The amount of the registration fee payable by a scheme producer is the aggregate of the following amounts—

(a) the producer amount for scheme packaging in which scheme articles are contained or sold and which are made wholly or mainly from polyethylene terephthalate (PET) plastic (if any),

(b) the producer amount for scheme packaging in which scheme articles are contained or sold and which are made wholly or mainly from steel (if any), and

(c) the producer amount for scheme packaging in which scheme articles are contained or sold and which are made wholly or mainly from aluminium (if any).

(4) The producer amount for scheme packaging in which scheme articles are contained or sold and which are made wholly or mainly from each type of scheme material must be calculated as follows (and may be £0)—

$$A \times B$$

where—

"A" is the fee for the relevant year for an item of scheme packaging made wholly or mainly from the particular scheme material (the "per scheme packaging fee"), and

"B" is the total number of items of scheme packaging made wholly or mainly from that scheme material which the scheme administrator expects the registered producer to market, offer for sale or sell to consumers in the relevant year.

(5) The per scheme packaging fee for scheme packaging made wholly or mainly from a particular scheme material—

(a) must be the same for all registered producers, and

(b) may be £0.

(6) The scheme administrator must, for the purposes of determining the registration fee, have regard to the likely value, or if known the actual value, of each type of scheme material which the scheme administrator expects to be recycled from all of the scheme packaging which is collected by, or returned, to the scheme administrator in the relevant year.

(7) The per scheme packaging fee for one scheme material must not subsidise any of the relevant costs for any other scheme material.

(8) For the purposes of paragraph (7), "the relevant costs" for a scheme material are the costs which the scheme administrator expects to incur in the exercise of its functions under, or in connection with, the Deposit and Return Scheme in relation to the collection, processing and recycling of scheme packaging made wholly or mainly from that material.

(9) The scheme administrator must—

(a) keep the registration fee under review,

(b) carry out a review of the operation of the registration fee at least every 12 months, and

(c) publish the registration fee in such manner as it considers appropriate to bring it to the attention of registered producers.

(10) Before determining, or re-determining, the registration fee, the scheme administrator must consult—

(a) registered producers, including in particular persons who represent the interests of small producers in Scotland, and

(b) such other persons (if any) as the scheme administrator considers appropriate,

and have regard to the views expressed in responses to the consultation.

(11) The scheme administrator may require the registration fee to be payable at times or intervals and by means specified by the scheme administrator.

(12) The scheme administrator may make different payment arrangements for different cases or circumstances and in particular—

(a) must ensure that any registration fee charged to a registered producer in accordance with paragraph (1) does not include a fee in respect of packaging from an item which is a low volume drink product during the relevant year concerned,

(b) may make arrangements for registration fees to be reduced, waived or refunded (whether in whole or in part).

Use of registration fees

26.—(1) If the scheme administrator charges registration fees only for the purposes of meeting any or all of SEPA's costs, it must pay such amounts of the registration fees that it receives to SEPA for the purposes of meeting SEPA's costs.

(2) If the scheme administrator charges registration fees for the purposes of meeting any or all of SEPA's costs and any or all of its own costs, the scheme administrator—

(a) must pay such amount of the registration fees that it receives as are necessary to meet SEPA's costs, and

(b) if any amount remains, may use that amount to meet the costs of carrying out its functions under, or in connection with, the Deposit and Return Scheme.

(3) If the scheme administrator charges registration fees only for the purposes of meeting any or all of its own costs, the scheme administrator must use the registration fees that it receives for the purposes of meeting those costs.

CHAPTER 2

Registration of groceries retailers as return point operators

Registration of groceries retailer as a return point operator

27.—(1) The scheme administrator must within a reasonable period of receiving an application for registration of a groceries retailer as a return point operator which complies with regulation 20ZA(2)(**a**) (application for registration of a groceries retailer as return point operator) of the Regulations—

(a) register the groceries retailer in relation to each of its retail premises in respect of which the groceries retailer is required to operate a return point, and

(b) notify the groceries retailer in writing that it has been registered as a return point operator and specify the date on which it was registered.

(2) The scheme administrator may register the groceries retailer under paragraph (1) before 1 October 2027.

Cancellation of registration of a groceries retailer as a return point operator

28.—(1) The scheme administrator must—

(a) cancel a groceries retailer's registration as a return point operator in respect of any particular retail premises, if—

(i) the groceries retailer notifies the scheme administrator that they no longer market, offer for sale or sell scheme articles at or on those premises and the scheme administrator is satisfied that that is the case, or

(ii) the scheme administrator grants a return point exemption in respect of those premises,

(b) cancel a person's registration as a return point operator, if—

(i) the person notifies the scheme administrator that they are no longer a groceries retailer and the scheme administrator is satisfied that that is the case, or

(ii) the scheme administrator grants a return point exemption in respect of all of the groceries retailer's premises.

(2) Where the scheme administrator cancels a person's registration as a return point operator following a notification under paragraph (1)(a)(i) or (b)(i), the scheme administrator must give a written notice to the person which—

(a) states that the person's registration as a return point operator has been cancelled, and

(b) specifies the date on which that cancellation takes effect.

(3) The scheme administrator may—

(a) cancel a groceries retailer's registration as a return point operator in respect of any particular premises if the scheme administrator is satisfied, without a notification having been given to it under paragraph (1)(a)(i), that the groceries retailer no longer markets, offers for sale or sells scheme articles at or on those premises,

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(**a**) Regulation 20ZA is inserted by S.S.I. 2025/XXX.

(b) cancel a person's registration as a return point operator, if the scheme administrator is satisfied, without a notification having been given to it under paragraph (1)(b)(i), that the person is no longer a groceries retailer.

(4) Before cancelling the registration under paragraph (3)(a) or (b), the scheme administrator must give a written notice which—

(a) states why the scheme administrator is proposing to cancel the person's registration as a return point operator,

(b) specifies the date when the proposed cancellation is intended to take effect,

(c) states that the person has the opportunity to make representations to the scheme administrator, and

(d) specifies the form and manner in which such representations are to be made and the deadline for receipt of such representations, which must not be less than 28 days beginning with the date on which the person receives the written notice.

(5) The scheme administrator must consider any representations which the person has made before the date specified under paragraph (4)(d).

(6) The scheme administrator must notify the person of its decision.

(7) Where the scheme administrator decides to proceed with the cancellation of that person's registration as return point operator, the scheme administrator must give that person a notice in writing which—

(a) states that the person's registration as a return point operator is being cancelled and the reasons why,

(b) specifies the date on which the cancellation of the registration will take effect, and

(c) states that the person has a right under article 20 to ask the scheme administrator to review its decision.

(8) The date specified for the purposes of paragraph (7)(b) must not be before the end of the expiry of the time limit for requesting a review of the decision under article 20.

CHAPTER 3

Registration of exemptions for groceries retailers from operating return point

Exemptions for groceries retailers from operating return points

29.—(1) The scheme administrator must within a reasonable period of receiving an application that complies with regulation 24(2) (application for exemption of a return point) of the Regulations from a groceries retailer for an exemption from the obligation specified in regulation 19(2)(**a**) (retailer obligations) of the Regulations—

(a) if the application is received under regulation 22(a)(**b**) (exemptions for return points) of the Regulations on proximity grounds, grant the application where the scheme administrator—

(i) considers that there is an alternative return point located within reasonable proximity to the premises,

(ii) has consulted the alternative return point and considers that, if the exemption is granted, the alternative return point would continue to be able to operate effectively as a return point despite an increased volume of returns of scheme packaging or returnable packaging,

(iii) considers that, if the exemption is granted, it would not significantly impair the ability of the scheme administrator to meet its collection targets,

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(**a**) Regulation 19(2) is substituted by S.S.I. 2025/XXX.
(**b**) Regulation 22(2) is substituted by S.S.I. 2025/XXX.

(b) if the application is received under regulation 22(b) of the Regulations on premises grounds, grant the application where the scheme administrator is satisfied 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.

(2) The scheme administrator must—

(a) decide whether or not to grant the exemption to the groceries retailer, and

(b) give a notice in writing regarding its decision to the groceries retailer.

(3) The scheme administrator may decide whether or not to grant an exemption under paragraph (1) before 1 October 2027.

(4) A notice under paragraph (2) must—

(a) if the scheme administrator grants the exemption under paragraph (2)(a)—

(i) specify the premises in respect of which the exemption is granted,

(ii) specify whether the exemption is granted on either proximity grounds under paragraph (1)(a) or premises grounds under paragraph (1)(b),

(iii) specify the date on which the exemption will take effect, and

(b) if the scheme administrator refuses the exemption under paragraph (2)(b)—

(i) state the reasons for that decision, and

(ii) state that the groceries retailer has a right under article 20 to ask the scheme administrator to review its decision.

(5) The scheme administrator must publish and maintain a list of groceries retailers that have been granted an exemption under this article in such manner as it considers appropriate.

Revocation of an exemption for a return point

30.—(1) The scheme administrator must revoke a groceries retailer's exemption from operating a return point in respect of any particular retail premises, if the groceries retailer requests that the exemption is revoked.

(2) A request under paragraph (1) must be made in such form and manner as the scheme administrator may request.

(3) Where the scheme administrator receives a request under paragraph (1), it must revoke the exemption and notify the groceries retailer, in writing, of the date on which the revocation of the return point exemption takes effect.

(4) The scheme administrator may revoke a groceries retailer's exemption from operating a return point in respect of any particular retail premises where it considers that there has been a material change in relation to any of the circumstances under which the exemption was granted as specified in article 29(1)(a) or, as the case may be, (b).

(5) Before revoking an exemption under paragraph (4), the scheme administrator must give a written notice which—

(a) states why the scheme administrator is proposing to revoke that groceries retailer's exemption from operating a return point,

(b) specifies the date when the revocation is intended to take effect,

(c) states that the groceries retailer has the opportunity to make representations to the scheme administrator, and

(d) specifies the form and manner in which such representations are to be made and the deadline for receipt of such representations, which must not be less than 28 days beginning with the date on which the groceries retailer receives the written notice.

(6) The scheme administrator must consider any representations which the groceries retailer has made before the date specified under paragraph (5)(d).

(7) The scheme administrator must notify the groceries retailer of its decision.

(8) Where the scheme administrator decides to proceed with the revocation of the groceries retailer's exemption from operating a return point, the scheme administrator must give that groceries retailer a notice in writing which—

(a) states that the groceries retailer's exemption from operating a return point is being revoked and the reasons why,

(b) specifies the date on which the revocation of the exemption will take effect, and

(c) states that the groceries retailer has a right under article 20 to ask the scheme administrator to review its decision.

(9) The date specified for the purposes of sub-paragraph (8)(b) must not be before the end of the expiry of the time limit for requesting a review of the decision under article 20.

CHAPTER 4

Registration of voluntary return point operators

Registration of voluntary return point operators

31.—(1) The scheme administrator must within a reasonable period of receiving an application from a person for registration as a voluntary return point operator that complies with regulation 25(2)(**a**) (voluntary return point operators) of the Regulations—

(a) decide whether to grant the application, or

(b) otherwise, refuse it.

(2) The scheme administrator may grant or refuse an application under paragraph (1) before 1 October 2027.

(3) Where the application is granted the scheme administrator must give notice of that decision in writing to the voluntary return point operator and the date that it takes effect.

(4) Where the application is granted, the return point operator will be treated as registered from the date specified in the notification given under paragraph (3) until any cancellation of the registration in accordance with paragraphs (6) or (9).

(5) Where the application is refused, the scheme administrator must give notice—

(a) of that decision together with the reasons for it,

(b) of the right of review under article 20.

(6) The scheme administrator must cancel the registration of a voluntary return point operator where the voluntary return point operator has requested that its registration be cancelled.

(7) A request under paragraph (5) must be made in such form and manner as the scheme administrator may request.

(8) Where the scheme administrator receives a request under paragraph (6), it must cancel the registration and notify the voluntary return point operator, in writing, of the date on which the cancellation of the registration takes effect

(9) The scheme administrator may cancel the registration of a voluntary return point operator where it appears to it that—

(a) the voluntary return point operator has failed to comply with one or more of their obligations as a voluntary return point operator under the Regulations,

(b) there has been a material change in the information provided in accordance regulation 25(8)(b) of the Regulations, or

(c) the operation of the voluntary return point is no longer viable.

(10) Before cancelling the registration under paragraph (8), the scheme administrator must give the voluntary return point operator a written notice which—

(**a**) Regulation 25 is amended by S.S.I. 2025/XXX.

(a) states why scheme administrator proposes to cancel the registration ,

(b) the date when the proposed cancellation is intended to take effect,

(c) states that the voluntary return point operator has the opportunity to make representations to the scheme administrator, and

(d) specifies the form and manner in which such representations are to be made and the deadline for receipt of such representations, which must not be less than 28 days beginning with the date on which the voluntary return point operator receives the written notice.

(11) The scheme administrator must consider any representations which the voluntary return point operator has made before the date specified under paragraph (10)(d).

(12) The scheme administrator must notify the voluntary return point operator of its decision.

(13) Where the scheme administrator decides to proceed with the cancellation of a person's registration as a voluntary return point, the scheme administrator must give that person a notice in writing which—

(a) states that the person's registration as a voluntary return point is being cancelled and the reasons why,

(b) specifies the date on which the cancellation of the registration will take effect, and

(c) states that the person has under article 20 to ask the scheme administrator to review its decision.

(14) The date specified for the purposes of sub-paragraph (13)(b) must not be before the end of the expiration of the time limit for requesting a review of the decision under article 20.

CHAPTER 5

Return points

Operation of return points by the scheme administrator

32. The scheme administrator may operate a return point at or on any premises other than—

(a) any premises in respect of which a person is required or registered to operate a return point, or

(b) any premises in respect of which a return point exemption is in effect.

Register of return points

33. The scheme administrator must publish and maintain, in such manner as it considers appropriate, a register of the following return points—

(a) groceries retailers which are registered as return points under article 27,

(b) voluntary return points registered under article 31,

(c) return points operated by the scheme administrator.

CHAPTER 6

Registration of takeback service providers

Registration as a takeback service provider

34.—(1) The scheme administrator must within a reasonable period of receiving an application from a person for registration as a takeback service provider that complies with regulation 21(4) (takeback services) of the Regulations—

(a) decide whether to grant the application, or

(b) otherwise refuse it.

(2) The scheme administrator may grant or refuse an application under paragraph (1) before 1 October 2027.

(3) Where the application is granted, the scheme administrator must give notice of that decision in writing to the takeback service provider and the date that it takes effect.

(4) Where the application is granted, the takeback service provider will be treated as registered from the date specified in the notification given under paragraph (3) until any cancellation of the registration in accordance with paragraphs (7) or (10).

(5) The scheme administrator must publish and maintain a list of takeback service providers registered under this article, in such manner as it considers appropriate.

(6) Where the application is refused, the scheme administrator must give notice—

(a) of that decision together with the reasons for it,

(b) of the right of review under article 20.

(7) The scheme administrator must cancel the registration of a takeback service provider where the takeback service provider has requested that its registration be cancelled.

(8) A request under paragraph (7) must be made in such form and manner as the scheme administrator may request.

(9) Where the scheme administrator cancels the registration of a takeback service provider under paragraph (7), the scheme administrator must give the person a notice, specifying the day on which the registration ceases to have effect.

(10) The scheme administrator may cancel the registration of a takeback service provider where it appears to it that—

(a) the takeback service provider has failed to comply with one or more of their obligations as a takeback service provider under the Regulations,

(b) there has been a material change in the information provided in accordance with regulation 21(6)(**a**) of the Regulations, or

(c) the operation of the takeback service is no longer viable.

(11) Before cancelling the registration under paragraph (10), the scheme administrator must give the takeback service provider a written notice which—

(a) states why the scheme administrator is proposing to cancel the registration,

(b) specifies the date when the cancellation is intended to take effect,

(c) states that the takeback service provider has the opportunity to make representations to the scheme administrator, and

(d) specifies the form and manner in which such representations are to be made and the deadline for receipt of such representations, which must not be less than 28 days beginning with the date on which the takeback service provider receives the written notice.

(12) The scheme administrator must consider any representations which the takeback service provider has made before the date specified under paragraph (11)(d).

(13) The scheme administrator must notify the takeback service provider of its decision.

(14) Where the scheme administrator decides to proceed with the cancellation of a person's registration as a takeback service provider, the scheme administrator must give that person a notice in writing which—

(a) states that the person's registration as a takeback service provider is being cancelled and the reasons why,

(b) specifies the date on which the cancellation of the registration will take effect, and

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(**a**) Regulation 21 is substituted by S.S.I. 2025/XXX.

(c) states that the person has a right under article 20 to ask the scheme administrator to review its decision.

(15) The date specified for the purposes of sub-paragraph (14)(b) must not be before the end of the expiration of the time limit for requesting a review of the decision under article 20.

Name
A member of the Scottish Government

St Andrew's House,
Edinburgh
Date

EXPLANATORY NOTE

(This note is not part of the Order)

This Order 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. Scheme articles 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 Deposit and Return Scheme also applies to scheme packaging, being the packaging for those scheme articles. The Order comes into force on the day after it is made.

Article 2 defines the terms used in this Order. Article 3 designates UK Deposit Management Organisation Limited as the scheme administrator for the Deposit and Return Scheme in Scotland. Article 4 makes provision regarding the operational plan of the scheme administrator, in particular requiring it to submit its operational plan to SEPA for approval.

Articles 5 to 8 make provision for the scheme logo, scheme multipack logo (if any) and requirements for a scheme return code to be issued by the scheme administrator. Articles 9 to 12 provide for the determination of the amount of the deposit by the scheme administrator and its use of such deposits.

Article 13 requires the scheme administrator to review return points. Article 14 requires the scheme administrator to determine the handling payment to be paid to return points. Article 15 makes provision for the use by the scheme administrator of any amounts received in connection with recycling arrangements.

Articles 16 and 17 make provision in relation to the Scottish Environment Protection Agency (SEPA) and payments to be made to it by the scheme administrator.

Articles 18 and 19 make provision for cooperation between the scheme administrator and the scheme administrator of any other deposit and return scheme which is established in another part of the United Kingdom. Articles 20 to 22 make provision for the internal review of certain decisions taken by the scheme administrator.

Articles 23 to 26 provide for registration of producers that market, offer for sale or sell scheme articles in Scotland, including provision for the scheme administrator to set registration fees and for the scheme administrator to use such registration fees.

Articles 27 and 28 provide for registration of return point operators. Articles 29 and 30 make provision in relation to exemptions for groceries retailers from operating return points. Article 31 provides for registration of voluntary return point operators. Article 32 allows the scheme administrator to operate a return point itself. Article 33 makes provision in relation to registration of return points. Article 34 provides for registration of takeback service providers.

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