

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

2023 No.

ENVIRONMENTAL PROTECTION

**The Deposit and Return Scheme for Scotland
(Miscellaneous Amendment) Regulations 2023**

<i>Made</i>	- - - -	2023
<i>Coming into force</i>	- -	2023

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by sections 84 and 96(2) of the Climate Change (Scotland) Act 2009⁽¹⁾ 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 (Miscellaneous Amendment) Regulations 2023 and come into force on the day after the day on which these Regulations are made.

Amendment of the Deposit and Return Scheme for Scotland Regulations 2020

2. The Deposit and Return Scheme for Scotland Regulations 2020⁽²⁾ are amended in accordance with regulations 3 to 10.

Amendment of commencement date

3. In regulation 1(5)⁽³⁾ (citation and commencement), for “1 March 2024” substitute “1 October 2025”.

(1) 2009 asp 12.

(2) S.S.I. 2020/154, as amended by S.S.I. 2022/76 and S.S.I. 2023/201.

(3) Regulation 1(5) is relevantly amended by S.S.I. 2022/76 and S.S.I. 2023/201.

Scheme articles and scheme packaging

4. In regulation 3(2)(4) (scheme articles and scheme packaging) in sub-paragraph (b) of the definition of “scheme article, for “1 March 2024” substitute “1 October 2025”.

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

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

- (a) in paragraph (3)(5), for “1 March 2024” substitute “1 October 2025”,
- (b) in paragraph (3A)(6), for “1 March 2024” substitute “1 October 2025”.

Amendment of application for registration as a producer

6. In regulation 7(2)(7) (application for registration as a producer)—

- (a) in sub-paragraph (a), for “12 January 2024” substitute “13 August 2025”,
- (b) in sub-paragraph (aa), for “1 January 2025” substitute “1 January 2026”.

Amendment of producer registration

7. In regulation 8(8) (producer registration)—

- (a) in paragraph (1), for “1 January 2025” substitute “1 January 2026”,
- (b) in paragraph (4)(a), for “1 March 2024” substitute “1 October 2025”.

Amendment of duty to review these regulations date

8. In regulation 32(1)(9) (duty to review these regulations) for “1 October 2027” substitute “1 October 2029”.

Amendment of collection targets

9. In paragraph 1 of schedule 3(10) (collection targets)—

- (a) in sub-paragraph (b), for “beginning 1 January 2025 and ending 31 December 2025” substitute “beginning 1 January 2026 and ending 31 December 2026”,
- (b) in sub-paragraph (c), for “1 January 2026” substitute “1 January 2027”.

Amendment of application to be listed as producer of a low volume drink product

10. In schedule 5(11) (low volume drink products)—

- (a) in paragraph 6(a) (application to be listed as producer of a low volume drink product), for “12 January 2024” substitute “13 August 2025”,
- (b) in paragraph 10(a) (application to be listed as producer of a low volume drink product), for “1 March 2024” substitute “1 October 2025”.

(4) Regulation 3(2)(b) is relevantly amended by S.S.I. 2022/76 and S.S.I. 2023/201.

(5) Regulation 5(3) is relevantly amended by S.S.I. 2022/76 and S.S.I. 2023/201.

(6) Regulation 5(3A) was inserted by S.S.I. 2022/76 and is relevantly amended by S.S.I. 2023/201.

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

(8) Regulation 8 is relevantly amended by S.S.I. 2022/76 and S.S.I. 2023/201.

(9) Regulation 32(1) is relevantly amended by S.S.I. 2022/76 and S.S.I. 2023/201.

(10) Paragraph 1 of schedule 3 is relevantly amended by S.S.I. 2022/76 and S.S.I. 2023/201.

(11) Schedule 5 was inserted by S.S.I. 2023/201.

Amendment of the Deposit and Return Scheme for Scotland Amendment Regulations 2023

11. Regulation 22 of the Deposit and Return Scheme for Scotland Amendment Regulations 2023(12) is omitted.

St Andrew's House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

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 amends the date in regulation 1(5) of the 2020 Regulations (the date on which parts 2, 7 and 8, and certain provisions in Part 5, of the 2020 Regulations come into force).

Regulation 4 amends the definition of scheme article in the 2020 Regulations.

Regulation 5 amends regulation 5 of the 2020 Regulations so that the obligations there take effect from 1 October 2025. Regulation 6 amends the dates by which a producer must apply for registration under regulation 7(2) of the 2020 Regulations. Regulation 7 amends the dates from which such registration takes effect under regulation 8 of the 2020 Regulations.

Regulation 8 amends the date by which the 2020 Regulations must be reviewed.

Regulation 9 amends paragraph 1 of schedule 3 so that the collection target of the first full year of the scheme is 80% and the target for subsequent years is 90%.

Regulation 10 amends the date by which a producer must first apply to be listed as a producer of a low volume drink product under schedule 5 of the 2020 Regulations as well as the date from which such listing takes effect in 2025.

Regulation 11 amends the Deposit and Return Scheme for Scotland Amendment Regulations 2023 to omit the transitional provision.

An update to the Business Regulatory Impact Assessment will be published by the Scottish Government online at [gov.scot](https://www.gov.scot).