
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 198

The Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007

PART 8

**GROUPS OF COMPANIES, PUB OPERATING BUSINESSES
AND LICENSORS AND MID-YEAR CHANGES**

Packaging handled by groups of companies

37. The provisions of Schedule 9 shall apply with regard to groups of companies as defined in that Schedule.

Packaging handled by licensors and pub operating businesses

38.—(1) Where in the relevant year and in the preceding year a person is a licensor, the provisions of Schedule 10 shall apply to determine whether that person has producer responsibility obligations in that capacity.

(2) Where in the relevant year and in the preceding year a person is a pub operating business, the provisions of Schedule 10 shall apply to determine whether that person has producer responsibility obligations in that capacity.

(3) For the purposes of this regulation and Schedule 10 a person is a licensor where he is a party to a licence agreement in or under which he grants a licence to use a trade mark to another.

(4) For the purposes of this regulation and Schedule 10 a person is a pub operating business where—

- (a) he is a party to a pub operating agreement in or under which he grants a lease or tenancy of premises to another; and
- (b) the premises to which the pub operating agreement relates are used by the tenant in order to carry on the licensable activity of—
 - (i) selling intoxicating liquor by retail for consumption in, or both in or off the premises; or
 - (ii) the supply of intoxicating liquor by or on behalf of a club, or to the order of, a member of the club or both, for consumption on the premises or both on and off the premises,

and the tenant holds a licence in respect of those premises.

(5) In the definition of pub operating business—

- (i) “intoxicating liquor” has the same meaning as in Article 2(2) of the Licensing (Northern Ireland) Order 1996(1);

- (ii) “licence” has the same meaning as in Article 2(2) of the Licensing (Northern Ireland) Order 1996 and licensed activity shall be construed accordingly;
- (iii) “supply of intoxicating liquor” shall be construed in accordance with Registration of Clubs (Northern Ireland) Order 1996(2);
- (iv) “selling by retail” in relation to any intoxicating liquor shall be construed in accordance with the Licensing (Northern Ireland) Order 1996 has the same meaning as in no definition in Licensing (NI) Order for this.

(6) For the purposes of this regulation and Schedule 9—

“licence agreement” means an agreement or number of related agreements in or under which the licensor grants the licensee a licence that allows the licensee to use a trade mark as the name under which the licensee sells from premises goods that are associated with that trade mark, and includes an obligation (whether expressed as a positive or negative obligation) on the licensee that relates to the presentation of those premises;

“licensee” means the party to a licence agreement to whom a licence to use a trade mark is granted;

“premises” means any sales outlet on which packaging is handled and includes any land, vehicle, vessel, mobile plant and stall;

“pub operating agreement” means an agreement or number of related agreements in or under which one person (the pub operating business) grants a tenancy or lease of premises to another person (the tenant) that includes an obligation (whether expressed as a positive or as a negative obligation) on the tenant to purchase some or all of the alcohol or alcoholic liquor (as the case may be), to be sold or supplied on or from the premises, from the pub operating business or from a person or persons nominated or authorised by or on behalf of that business;

“tenant” means the party to a pub operating agreement to whom the lease or tenancy of premises is granted; and

“trade mark” has the same meaning as in section 1 of the Trade Marks Act 1994(3) .

Mid-year changes

39. The provisions of Schedule 11 shall apply with regard to changes in a year in respect of a person who is a producer in respect of that year and any changes in membership of a scheme or group of companies, or other event affecting a producer in the relevant year.

(2) S.I. 1996/3159 (N.I.23)

(3) 1994 c. 26