
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2020 No.

The Deposit and Return Scheme for Scotland Regulations 2020

PART 3

Producers

CHAPTER 2

Registration of a producer

Application for registration of a producer

- 7.—(1) An application for registration of a producer must be made to SEPA—
- (a) by a producer, or
 - (b) by a scheme administrator on behalf of a producer.
- (2) An application for producer registration must be made—
- (a) before 1 March in any relevant year,
 - (b) within 28 days of that person becoming a producer,
 - (c) in the case where the producer was registered through an approved scheme administrator in respect of a relevant year, within 28 days of the date of any of the following events in that relevant year—
 - (i) the producer receives notification in writing that the scheme administrator’s approval has been withdrawn in accordance with regulation 17,
 - (ii) the producer receives notification in writing that the scheme administrator is no longer acting on behalf of that producer, or
 - (iii) the producer sends notification in writing to the scheme administrator that the producer no longer wishes the scheme administrator to act on behalf of that producer.
- (3) An application must—
- (a) be made in writing,
 - (b) subject to paragraph (4), contain the information set out in schedule 1,
 - (c) contain any other information requested by SEPA, and
 - (d) subject to paragraph (5), be accompanied by a registration fee of £360.
- (4) If agreed in advance with SEPA, where there has been an event of the type set out in paragraph (2)(c), the information provided in an application may be limited to the operational plan referred to in paragraph 11 of schedule 1.
- (5) Paragraph (3)(d) does not apply to an application by a producer with a taxable turnover of £85,000 or less in the previous financial year.

Producer registration

- 8.—(1) Within 28 days of receipt of an application, SEPA must—
- (a) where the application complies with regulation 7(3) and SEPA is satisfied that the applicant will comply with the obligations in regulation 10(1) and 11(1), grant it, or
 - (b) otherwise, refuse it.
- (2) Where an application is granted, SEPA must, within 7 days of the date on which it is granted, give notice of that decision in writing—
- (a) in the case of an application made by a producer, to the producer,
 - (b) in the case of an application made on behalf of a producer by a scheme administrator, to the producer and the scheme administrator.
- (3) Where an application has been granted, the registration takes effect from the relevant date in paragraph (4) until the date on which the producer’s registration is cancelled in accordance with regulation 9.
- (4) The date for the purposes of paragraph (3) is—
- (a) 1 April in a relevant year, where the application was made within the time limit specified in regulation 7(2)(a),
 - (b) the date the application was received by SEPA, where the application was made within the time limit specified in regulation 7(2)(b),
 - (c) the date the producer received the notification, where the application was made within the time limit specified in regulation 7(2)(c)(i) or (ii),
 - (d) the date the producer sent the notification, where the application was made within the time limit specified in regulation 7(2)(c)(iii), or
 - (e) the date specified by SEPA in the notice provided in accordance with paragraph (2) in any other case.
- (5) SEPA must publish and maintain a list of registered producers in such manner as it considers appropriate.
- (6) Where an application is refused, SEPA must, within 7 days of the date on which it is refused, give notice of that decision in writing together with—
- (a) the reasons for it,
 - (b) a statement as to the right of appeal under Part 6.
- (7) Notification under paragraph (6) must be given—
- (a) in the case of an application made by the producer, to the producer,
 - (b) in the case of an application made on behalf of the producer by a scheme administrator, to the producer and the scheme administrator.

Cancellation of registration of producers

- 9.—(1) SEPA may cancel the registration of a producer where it appears to it that—
- (a) the producer is in breach of any of the producer obligations specified in regulations 10(1) or 11(1),
 - (b) the producer is in breach of the obligation specified in regulation 5(2)(a),
 - (c) a registered producer has failed to submit an application in accordance with regulation 7(2) (a) or (c),
 - (d) an application for registration of that producer has been refused,

- (e) the producer or a scheme administrator acting on behalf of the producer knowingly or recklessly supplied false information in connection with an application for registration, or compliance with any of the producer obligations specified in regulation 10(1) or 11(1).
- (2) SEPA must cancel the registration of a producer where it is notified under regulation 10(1)(d) that the producer has ceased to be a producer.
- (3) Before cancelling the registration under paragraph (1), SEPA must serve written notice of—
 - (a) the decision to cancel and the reasons for it,
 - (b) the date when the cancellation is intended to take effect, not being earlier than the time limit for making an appeal against the decision provided for in Part 6,
 - (c) the opportunity to make representations to SEPA and the deadline for receipt of such representations, and
 - (d) the right of appeal under Part 6.
- (4) SEPA must consider any representations made by the producer or, as the case may be, a scheme administrator before cancellation takes effect and may withdraw the notice at any time before it takes effect.
- (5) The date when the cancellation takes effect must not be earlier than—
 - (a) in the case of cancellation under paragraph (1), the expiration of the time limit for making an appeal against the decision provided for in Part 6,
 - (b) in the case of cancellation under paragraph (2), 28 days from the date of the notification from the producer in accordance with 10(1)(d),
 - (c) in the case where an application for appeal against the decision is submitted and the decision to cancel that producer’s registration is upheld, the date that the producer receives notification under regulation 27(7).
- (6) The notice referred to in paragraph (3) must be served on—
 - (a) the producer, or
 - (b) where a producer was registered through a scheme administrator, the producer and the scheme administrator.
- (7) Despite the cancellation of a producer’s registration in accordance with this regulation, the producer must continue to comply with the following regulations as if that producer was still a registered producer—
 - (a) regulation 11(1)(a) and (b),
 - (b) regulation 11(1)(c) to (h).
- (8) For the purposes of paragraph (7), the reference in regulation 11(1)(e), (f) and (g) to “the producer’s operational plan” means the operational plan submitted with that producer’s most recent application for registration that was granted by SEPA.