

---

DRAFT SCOTTISH STATUTORY INSTRUMENTS

---

**2020 No.**

**The Deposit and Return Scheme for Scotland Regulations 2020**

**PART 2**

**The deposit and return scheme**

**Sale of articles**

4.—(1) Where an article meets the criteria in both sub-paragraphs (a) and (b) of the definition of “scheme article” in regulation 3(2), a person may only market, offer for sale or sell that article to a consumer in Scotland if it also complies with paragraph (c) of that definition.

(2) A person may only market, offer for sale or sell a scheme article to a consumer in Scotland if the producer of that article for the purposes of regulation 6(1), is a registered producer.

(3) For the purpose of paragraphs (1) and (2) the following is to be regarded as the person who markets, offers for sale or sells the scheme article—

- (a) in the case of an online retail sale, the operator,
- (b) in the case of a vending machine sale—
  - (i) where the machine is marked with the name and address of its owner, that owner, or
  - (ii) otherwise, the person with the management and control of the premises on which the machine stands or to which it is affixed.

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

5.—(1) A deposit is a redeemable sum of 20 pence that does not form part of the consideration paid for the scheme article.

(2) Subject to paragraph (4), any person who markets, offers for sale or sells a scheme article in Scotland must—

- (a) charge a deposit when marketing, offering for sale or selling a scheme article in Scotland, and
- (b) clearly display information in any place where the scheme article is displayed for sale by that person indicating—
  - (i) that the article is a scheme article to which the obligation to charge a deposit under these Regulations applies,
  - (ii) the amount of the deposit.

(3) Subject to paragraph (4), any person who markets, offers for sale or sells a non-scheme article in Scotland on or after 1 July 2022 must communicate to the purchaser at the point of sale that—

- (a) the article is not a scheme article to which the requirements of these Regulations apply,
- (b) an item of packaging in which that article is contained or sold cannot be returned in exchange for payment of a sum equal to a deposit.

(4) The obligations in paragraphs (2) and (3) do not apply—

- (a) in the case of a scheme article or non-scheme article which is marketed, offered for sale or sold in Scotland—
  - (i) in an export shop, or
  - (ii) exclusively for consumption on the premises of sale,
- (b) in the case of a scheme article or non-scheme article which is intended for retail sale outside Scotland.