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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2020 No.**

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

**PART 5**

**Retailers and return points**

**CHAPTER 2**

**Return of scheme packaging**

**Return points**

**20.**—(1) For the purposes of these Regulations, a “return point operator” is any person who operates a return point, including a retailer and a voluntary return point operator registered in accordance with regulation 25.

- (2) Subject to paragraph (4), a return point operator must—
- (a) accept an item of scheme packaging returned to the return point,
  - (b) pay to the consumer a sum equal to the deposit for each item of scheme packaging accepted,
  - (c) retain the scheme packaging for collection by, or on behalf of, a producer or a scheme administrator.
- (3) A return point operator must clearly display information at the return point about—
- (a) the complaints procedure and the contact details for receipt of any complaint that may be made to that operator from a consumer concerning the operation of the return point, and
  - (b) the contact details of SEPA.
- (4) A return point operator may refuse to accept an item of packaging if—
- (a) it is not identifiable as scheme packaging,
  - (b) it is soiled,
  - (c) it is not intact,
  - (d) it is not empty,
  - (e) the return point operator has requested a collection of scheme packaging by a producer or scheme administrator and the collection has not been carried out in accordance with that producer or scheme administrator’s operational plan, or
  - (f) it is part of a single proposed return by a consumer that contains a number of items of scheme packaging disproportionately greater than the number of scheme articles that retailer sells, on average, as part of a single transaction.

**Takeback services**

**21.**—(1) For the purpose of these Regulations, a “takeback service” is a service provided by the retailer enabling—

- (a) an item of scheme packaging in which a scheme article is contained and sold by a retailer to a consumer to be collected by or on behalf of that retailer from the site of delivery for the purposes of its return to—
    - (i) that retailer (including through a return point), or
    - (ii) the producer, and
  - (b) the payment to that consumer of a sum equal to the deposit for each item of scheme packaging so collected and returned.
- (2) Subject to paragraph (3), a retailer that has sold a scheme article through a distance retail sale must provide a takeback service free of charge to the consumer that purchased the scheme article.
- (3) A retailer providing a takeback service may apply a charge not exceeding the cost of materials used in respect of the collection and storage of that scheme packaging, subject to the requirement to reimburse the consumer in accordance with paragraph (4).
- (4) Unless paragraph (5) applies, a retailer providing a takeback service must—
- (a) pay to the consumer a sum equal to the deposit for each item of scheme packaging returned to the retailer or, as the case may be, the producer, and
  - (b) reimburse the consumer for any charge applied under paragraph (3).
- (5) This paragraph applies if any returned item of packaging—
- (a) is not identifiable as scheme packaging,
  - (b) is soiled,
  - (c) is not intact, or
  - (d) is not empty.