
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2020 No.

The Deposit and Return Scheme for Scotland Regulations 2020

PART 5

Retailers and return points

CHAPTER 3

Exemptions for return points

Exemptions for return points

22.—(1) Subject to paragraph (2), the Scottish Ministers may grant an exemption to a retailer (whether or not an application under regulation 24 is made to them) from the obligation specified in regulation 19(1)(b) in relation to retail premises in one of the following circumstances—

- (a) where the following criteria are met—
 - (i) they consider that there is an alternative return point located within reasonable proximity to the premises, and the operator of that return point has agreed to accept the return by consumers of items of scheme packaging on behalf of the retailer,
 - (ii) they consider that, if the exemption is granted, this will still provide consumers with reasonable access to a return point, and
 - (iii) they consider that, if the exemption is granted, it would not significantly impair the ability of a producer (or a scheme administrator on their behalf) to meet their collection targets,
- (b) where they are satisfied that the location, layout, design, or construction of the retail premises does not permit, or cannot be reasonably altered to permit, the operation of a return point on the premises without significant risk of the retailer being in breach of a legal obligation relating to any of the following—
 - (i) food safety,
 - (ii) health and safety,
 - (iii) fire safety,
 - (iv) environmental protection,
 - (v) public health.

(2) Where the Scottish Ministers decide to grant an exemption, they must within 7 days of the date of that decision give to the retailer in writing notice of that decision, and the date that the exemption takes effect.

(3) The Scottish Ministers must publish and maintain a list of retailers that have been granted an exemption under this regulation in such manner as they consider appropriate.

- (4) A retailer who has been granted an exemption under paragraph (1) must—
- (a) clearly display information at the retailer's premises indicating—

- (i) that by virtue of an exemption granted under these Regulations, they do not operate a return point, and
- (ii) the location of—
 - (aa) in the case of an exemption granted in accordance with paragraph (1)(a), the alternative return point, or
 - (bb) in the case of an exemption granted in accordance with paragraph (1)(b), the nearest return point, and
- (b) notify the Scottish Ministers of any material change to—
 - (i) any of the circumstances under which the exemption was granted as specified in paragraph (1)(a) or, as the case may be, (b),
 - (ii) any of the information provided as part of an application for exemption under regulation 24.