
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 154

The Deposit and Return Scheme for Scotland Regulations 2020

PART 1

General

Citation and commencement

1.—(1) These Regulations may be cited as the Deposit and Return Scheme for Scotland Regulations 2020.

(2) Parts 1, 4 and 6 come into force on the day after the day on which these Regulations are made.

(3) In Part 5, regulations 22 to 25 come into force on 1 January 2021.

(4) Part 3 comes into force on 1 January 2022.

(5) Parts 2 ^[F1], 7 and 8], and the remaining provisions of Part 5 come into force on ^[F2]1 October 2025].

F1 Words in [reg. 1\(5\)](#) substituted (25.2.2022) by [The Deposit and Return Scheme for Scotland Amendment Regulations 2022 \(S.S.I. 2022/76\)](#), regs. 1(1), **3(a)** (with [reg. 15](#))

F2 Words in [reg. 1\(5\)](#) substituted (3.11.2023) by [The Deposit and Return Scheme for Scotland \(Miscellaneous Amendment\) Regulations 2023 \(S.S.I. 2023/334\)](#), regs. 1, **3**

Commencement Information

I1 Reg. 1 in force at 20.5.2020, see [reg. 1\(2\)](#)

Interpretation

2.—(1) In these Regulations—

“authorised person” means a person authorised by SEPA under regulation 30(3),

“consumer” means a person who is acting for purposes which are outside that person’s trade, business, craft or profession,

“deposit” has the meaning given in regulation 5(1),

“drink” means a beverage intended for human consumption, including concentrated soft drinks,

“enforcement powers” means the powers specified in regulation 30(4),

“export shop” has the same meaning as in regulation 3 of the Excise Goods (Export Shops) Regulations 2000(1),

“hospitality retailer” is a retailer that sells a scheme article exclusively for the purpose of its consumption on the premises of sale,

[^{F3}“listed producer” means a producer that has provided information to SEPA in accordance with paragraphs 5 to 8 of schedule 5, and “listing” is to be construed accordingly,]

[^{F3}“low volume drink product ” means a drink (regardless of whether it is sold alone or as part of a multipack) that—

- (a) meets the criteria in sub-paragraphs (a), (b) and (c) of the definition of “scheme article” in regulation 3(2),
- (b) the producer markets, offers for sale or sells for the purpose of its retail sale in Scotland in a quantity of less than 5000 units in a relevant year,]

“non-scheme article” has the meaning given in regulation 3(2),

[^{F4}“non-Scottish article” has the meaning given in regulation 3(2),]

“online retail sale” is a retail sale through a website or online marketplace, and related expressions are to be construed accordingly,

“operator” in relation to a website or online marketplace means the person who controls access to, and the content of, the website or online marketplace,

“PET plastic” means [^{F5}polyethylene] terephthalate,

[^{F6}“producer”, in relation to a—

- (a) scheme article, has the meaning given in regulation 6(A1) to (2),
- (b) low volume drink product, has the meaning given in paragraphs 1 to 4 of schedule 5,]

“registered producer” means a producer registered with SEPA for the purposes of these Regulations in accordance with chapter 2 of Part 3,

“registered through a scheme administrator” has the meaning given in regulation 12(1),

“relevant year” means [^{F7}the calendar year beginning 1 January 2023 or any subsequent] calendar year in which a person is a producer,

“retailer” has the meaning given in regulation 18(1),

“retail sale” means a sale to a consumer,

“return point” means a place at which a person (whether the purchaser of the scheme article or otherwise) can return scheme packaging and receive payment of a sum equal to the deposit for each item of scheme packaging returned,

“return point operator” has the meaning given in regulation 20(1),

“scheme administrator” means a person that has been approved to carry out the functions specified in regulation 13(2) and to fulfil the obligations specified in regulation 16,

“scheme article” has the meaning given in regulation 3(2),

“scheme packaging” has the meaning given in regulation 3(2),

“SEPA” means the Scottish Environment Protection Agency(2),

“single-use packaging” has the meaning given in regulation 3(2),

“takeback service” has the meaning given in regulation 21(1),

“vending machine” means an automatic machine for the sale of a scheme article (regardless of whether the machine also sells other products),

“wholesaler” has the meaning given in regulation 11(4),

(2) SEPA is established by section 20 of the Environment Act 1995 (c.25).

“writing” and “written” include electronic communications within the meaning of section 15(1) (general interpretation) of the Electronic Communications Act 2000(3), which have been recorded and are consequently capable of being reproduced in written form.

(2) In the definition of “drink”, “concentrated soft drink” means any soft drink in liquid form intended for human consumption after dilution, but does not include concentrates used in the manufacture of soft drinks and which are not intended for retail sale without further processing.

(3) In the definitions of “online retail sale” and “operator”, “online marketplace” means any means by which information is made available over the internet, through which a person other than the operator is able to offer goods for sale (whether or not the operator also does so).

- F3** Words in [reg. 2\(1\)](#) inserted (30.6.2023) by [The Deposit and Return Scheme for Scotland Amendment Regulations 2023 \(S.S.I. 2023/201\)](#), regs. 1, **5(a)** (with [reg. 22](#))
- F4** Words in [reg. 2\(1\)](#) inserted (25.2.2022) by [The Deposit and Return Scheme for Scotland Amendment Regulations 2022 \(S.S.I. 2022/76\)](#), regs. 1(1), **4(a)** (with [reg. 15](#))
- F5** Word in [reg. 2\(1\)](#) substituted (30.6.2023) by [The Deposit and Return Scheme for Scotland Amendment Regulations 2023 \(S.S.I. 2023/201\)](#), regs. 1, **5(b)** (with [reg. 22](#))
- F6** Words in [reg. 2\(1\)](#) substituted (30.6.2023) by [The Deposit and Return Scheme for Scotland Amendment Regulations 2023 \(S.S.I. 2023/201\)](#), regs. 1, **5(c)** (with [reg. 22](#))
- F7** Words in [reg. 2\(1\)](#) substituted (25.2.2022) by [The Deposit and Return Scheme for Scotland Amendment Regulations 2022 \(S.S.I. 2022/76\)](#), regs. 1(1), **4(b)** (with [reg. 15](#))

Commencement Information

- I2** Reg. 2 in force at 20.5.2020, see [reg. 1\(2\)](#)

Scheme articles and scheme packaging

3.—(1) The deposit and return scheme established by these Regulations applies to—

- (a) a scheme article, and
- (b) scheme packaging in which a scheme article is contained or sold.

(2) For the purposes of these Regulations—

“non-scheme article” means an article that meets the criteria in sub-paragraphs (a) and (c) of the definition of “scheme article” in this paragraph, but does not meet the criteria in sub-paragraph (b) of that definition,

[^{F8}“non-Scottish article” means an article that meets the criteria in sub-paragraphs (a) and (b) of the definition of “scheme article” in this paragraph, but does not meet the criteria in sub-paragraph (c) of that definition,]

“scheme article” means a drink (regardless of whether it is sold alone or as a unit in a multipack) that is—

- (a) contained and sold in packaging that—
 - (i) is made wholly or mainly from PET plastic, glass, steel or aluminium,
 - (ii) is conceived or designed to—
 - (aa) contain at least [^{F9}100] millilitres and no more than 3 litres of liquid, and
 - (bb) be sealed in an airtight and watertight state at the point of sale,
 - (iii) cannot be returned to its state at the point of sale by the consumer, and
 - (iv) is single-use packaging,

(3) [2000 c.7](#). Section 15(1) was amended by paragraph 158 of schedule 17 of the Communications Act 2003 ([c.21](#)).

- (b) first made available to be marketed, offered for sale or sold by the producer on or after ^{F10}1 October 2025], ^{F11} ...
- (c) made available to be marketed, offered for sale or sold by the producer for the purposes of its retail sale in Scotland ^{F12}, and
- (d) is not a low volume drink product],

“scheme packaging” means the packaging for a scheme article that is conceived or designed to come in direct contact with the drink, and does not include packaging conceived or designed to group together multiple components in a multipack.

“single-use packaging” means packaging for a drink that is not conceived, designed or placed on the market to accomplish, within its life span—

- (a) multiple refills by a consumer,
- (b) multiple trips or rotations by being returned to a producer to be refilled by that producer for the same purpose for which it was conceived.

- F8** Words in reg. 3(2) inserted (25.2.2022) by The Deposit and Return Scheme for Scotland Amendment Regulations 2022 (S.S.I. 2022/76), regs. 1(1), **5(a)** (with reg. 15)
- F9** Word in reg. 3(2) substituted (30.6.2023) by The Deposit and Return Scheme for Scotland Amendment Regulations 2023 (S.S.I. 2023/201), regs. 1, **6(a)** (with reg. 22)
- F10** Words in reg. 3(2)(b) substituted (3.11.2023) by The Deposit and Return Scheme for Scotland (Miscellaneous Amendment) Regulations 2023 (S.S.I. 2023/334), regs. 1, **4**
- F11** Word in reg. 3(2) omitted (30.6.2023) by virtue of The Deposit and Return Scheme for Scotland Amendment Regulations 2023 (S.S.I. 2023/201), regs. 1, **6(c)** (with reg. 22)
- F12** Words in reg. 3(2) inserted (30.6.2023) by The Deposit and Return Scheme for Scotland Amendment Regulations 2023 (S.S.I. 2023/201), regs. 1, **6(d)** (with reg. 22)

Commencement Information

- I3** Reg. 3 in force at 20.5.2020, see **reg. 1(2)**

^{F13}**Low volume drink products**

3A.—(1) A person may only market, offer for sale or sell a low volume drink product to a consumer in Scotland if the producer is a—

- (a) listed producer, or
- (b) registered producer.

(2) For the purpose of paragraph (1), the following is to be regarded as the person who markets, offers for sale or sells the low volume drink product—

- (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.

(3) Any person who markets, offers for sale or sells a low volume drink product in Scotland on or after 1 March 2024 must communicate to the purchaser at the point of sale that—

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

(4) Schedule 5 makes further provision in relation to low volume drink products.]

F13 [Reg. 3A](#) inserted (30.6.2023) by [The Deposit and Return Scheme for Scotland Amendment Regulations 2023 \(S.S.I. 2023/201\)](#), regs. 1, [7](#) (with [reg. 22](#))

Changes to legislation:

There are currently no known outstanding effects for the The Deposit and Return Scheme for Scotland Regulations 2020, PART 1.