
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 7

**The Packaging Waste (Data Reporting)
(Scotland) Regulations 2023**

PART 4

SEPA's powers and duties

Delegation of approved persons' functions: procedure

25.—(1) An approved person who proposes the delegation of their functions to another person under regulation 24(3) must apply for approval to SEPA on a form supplied for that purpose by SEPA, signed by the approved person.

(2) An application for approval under paragraph (1) must, within 28 days of receipt of the application—

- (a) be granted where SEPA is satisfied that the proposed delegate, taking into account the factors specified in paragraph (3), is capable of carrying out the functions on behalf of the approved person,
- (b) otherwise be refused.

(3) The factors mentioned in paragraph (2)(a) are—

- (a) if the proposed delegate is an employee of the producer or the operator of the scheme, the proposed delegate's level of seniority,
- (b) if the proposed delegate is not an employee of the producer or the operator of the scheme, the nature of the proposed delegate's relationship with the approved person,
- (c) the degree of the proposed delegate's knowledge of, or access to, information necessary for the purposes of carrying out the functions on behalf of the approved person,
- (d) any other factor which SEPA reasonably thinks is relevant.

(4) An approval granted in accordance with paragraph (2)(a) may be for such period, or subject to such other conditions, as SEPA may specify.

(5) Where an application for approval is granted in accordance with paragraph (2)(a), SEPA must notify the approved person in writing of this, and of any conditions it has imposed pursuant to paragraph (4), within 28 days of its decision.

(6) SEPA may decide to withdraw approval granted under paragraph (2)(a) and, if such a decision is taken, must serve on the approved person written notice of—

- (a) the decision to withdraw approval,
- (b) the reasons for the decision,
- (c) the date on which the withdrawal takes effect, not being earlier than 28 days from the date of the notice.

(7) If an approved person proposes to revoke a delegation granted under paragraph (2)(a), the person must serve written notice on SEPA of this and of the date when the revocation takes effect, not being earlier than 28 days from the date of the notice.