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DRAFT STATUTORY INSTRUMENTS

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**2023 No.**

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

**PART 1**

**General**

**Licensors and pub operating businesses**

**9.**—(1) For the purposes of these Regulations, a person (“L”) is a licensor where L is a party to a licence agreement in or under which L grants a licence to use a trade mark to another.

(2) For the purposes of these Regulations, a person (“P”) is a pub operating business where—

- (a) P is a party to a pub operating agreement in or under which P grants a lease or tenancy of premises in England to another; and
- (b) those premises are used by the tenant in order to carry on the activity of—
  - (i) the sale by retail of alcohol for consumption on the premises or both on and off the premises; or
  - (ii) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club or both, for consumption on the premises or both on and off the premises,and a premises licence is in force in respect of the premises.

(3) In this regulation—

“alcohol” has the same meaning as in section 191 of the Licensing Act 2003 and “alcoholic” is to be construed accordingly;

“licence agreement” means an agreement or number of related agreements in or under which the licensor grants the licensee a licence that allows the licensee to use a trade mark as the name under which the licensee sells from premises goods that are associated with that trade mark, and includes an obligation (whether expressed as a positive or as a negative obligation) on the licensee that relates to the presentation of those premises;

“licensee” means the party to a licence agreement to whom a licence to use a trade mark is granted;

“premises” means any sales outlet on which packaging is handled and includes any land, vehicle, vessel, mobile plant and stall;

“premises licence” has the same meaning as in section 11 of the Licensing Act 2003;

“pub operating agreement” means an agreement or number of related agreements in or under which one person (the pub operating business) grants a tenancy or lease of premises to another person (the tenant) that includes an obligation (whether expressed as a positive or as a negative obligation) on the tenant to purchase some or all of the alcohol or alcoholic liquor (as the case may be), to be sold or otherwise supplied on or from the premises, from the pub operating business or from a person or persons nominated or authorised by or on behalf of that business;

“sale by retail” in relation to any alcohol has the same meaning as in section 192 of the Licensing Act 2003;

“supply of alcohol” has the same meaning as in section 14 of the Licensing Act 2003; and

“tenant” means the party to a pub operating agreement to whom the lease or tenancy of premises is granted “tertiary packaging” has the meaning given in regulation [6\(1\)\(c\)](#).