SCHEDULES

SCHEDULE 5

PRODUCER RESPONSIBILITY FOR DISPOSAL COSTS

PART 1

REQUIREMENTS

General power

1 (1) The relevant national authority may by regulations make provision requiring the payment of sums by specified persons, in respect of specified products or materials.

(2) The regulations may be made only for the purpose of securing that those involved in manufacturing, processing, distributing or supplying products or materials meet, or contribute to, the disposal costs of the products or materials.

Commencement Information

I1 Sch. 5 para. 1 in force at 9.1.2022 for E.W.S., see **s. 147(2)(a)**

I2 Sch. 5 para. 1 in force at 28.2.2022 for N.I. by S.R. 2022/54, **art. 2(1)(c)**

"Disposal costs" and "disposal"

2 (1) In this Schedule the "disposal costs" of products or materials means such costs incurred in connection with the disposal of the products or materials as may be specified in the regulations.

(2) In this Schedule the "disposal" of products or materials includes their re-use, redistribution, recovery or recycling.

(3) Disposal costs may include the costs of—

(a) collecting and transporting products or materials for disposal,

(b) sorting and treating products or materials,

(c) other steps preparatory to disposal of products or materials, and

(d) providing public information about the disposal of products or materials.

(4) They may include costs incurred in relation to products or materials that have been disposed of unlawfully.

(5) The regulations may make provision as to how the disposal costs of products or materials are to be calculated.

Commencement Information

I3 Sch. 5 para. 2 in force at 9.1.2022 for E.W.S., see **s. 147(2)(a)**

I4 Sch. 5 para. 2 in force at 28.2.2022 for N.I. by S.R. 2022/54, **art. 2(1)(c)**

Calculation of sums payable

3 (1) The regulations may make provision as to how the sums payable under the regulations are to be calculated.

(2) They may include provision for the sums payable under the regulations to vary according to the design or composition of the products or materials to which the regulations relate, the methods by which they were produced or any other factor.

Commencement Information

I5 Sch. 5 para. 3 in force at 9.1.2022 for E.W.S., see **s. 147(2)(a)**

I6 Sch. 5 para. 3 in force at 28.2.2022 for N.I. by S.R. 2022/54, **art. 2(1)(c)**

Administration

4 (1) The regulations may appoint, or make provision for the appointment of, a person (an "administrator") to administer provision made by the regulations.

(2) More than one person may be appointed as an administrator.

(3) The regulations may confer functions on an administrator (including functions involving the exercise of discretion).

(4) References in this Schedule to an administrator include a person appointed by an administrator or exercising functions on an administrator's behalf.

Commencement Information

I7 Sch. 5 para. 4 in force at 9.1.2022 for E.W.S., see **s. 147(2)(a)**

I8 Sch. 5 para. 4 in force at 28.2.2022 for N.I. by S.R. 2022/54, **art. 2(1)(c)**

Registration

5 (1) The regulations may require—

(a) persons required to pay sums under the regulations to register with an administrator;

(b) administrators to register with an enforcement authority appointed by regulations under Part 2 of this Schedule.

(2) The regulations may make provision—

(a) about applications for registration;

(b) about the period for which registration has effect;

(c) about the cancellation of registration.

(3) The regulations may require persons required to register to pay, in connection with their registration, fees of an amount determined by or in accordance with the regulations.

(4) The regulations may require registers to be published or made available for inspection.

Commencement Information

I9 Sch. 5 para. 5 in force at 9.1.2022 for E.W.S., see **s. 147(2)(a)**

I10 Sch. 5 para. 5 in force at 28.2.2022 for N.I. by S.R. 2022/54, **art. 2(1)(c)**

Payment of sums

6 (1) The regulations may make provision for the sums payable under the regulations to be payable to an administrator.

(2) The regulations may make provision as to how sums paid to the administrator are to be held by the administrator.

Commencement Information

I11 Sch. 5 para. 6 in force at 9.1.2022 for E.W.S., see **s. 147(2)(a)**

I12 Sch. 5 para. 6 in force at 28.2.2022 for N.I. by S.R. 2022/54, **art. 2(1)(c)**

Distribution of sums paid

7 The regulations may make provision for sums paid to an administrator—

(a) to be distributed by the administrator, in accordance with the regulations, among persons who have incurred disposal costs in relation to products or materials to which the regulations relate, or

(b) to be paid to another administrator to be so distributed by that administrator.

Commencement Information

I13 Sch. 5 para. 7 in force at 9.1.2022 for E.W.S., see **s. 147(2)(a)**

I14 Sch. 5 para. 7 in force at 28.2.2022 for N.I. by S.R. 2022/54, **art. 2(1)(c)**

Repayment of sums paid

8 (1) The regulations may make provision for sums paid to an administrator to be repayable, in whole or in part, to the persons by whom they were payable ("liable persons").

(2) The regulations may make provision as to how sums repayable under the regulations are to be calculated.

(3) They may include provision for the sums repayable under the regulations to vary according to the extent to which, or manner in which, liable persons dispose of products or materials to which the regulations relate, or meet or contribute to their disposal costs.

Commencement Information

I15 Sch. 5 para. 8 in force at 9.1.2022 for E.W.S., see **s. 147(2)(a)**

I16 Sch. 5 para. 8 in force at 28.2.2022 for N.I. by S.R. 2022/54, **art. 2(1)(c)**

Charges

9 The regulations may include provision requiring the payment of charges to administrators, as a means of recovering costs incurred by administrators in performing functions under the regulations.

Commencement Information

I17 Sch. 5 para. 9 in force at 9.1.2022 for E.W.S., see **s. 147(2)(a)**

I18 Sch. 5 para. 9 in force at 28.2.2022 for N.I. by S.R. 2022/54, **art. 2(1)(c)**

Consultation requirements

10 (1) Before making regulations under this Part of this Schedule the relevant national authority must consult persons appearing to it to represent the interests of those likely to be affected.

(2) The requirement in sub-paragraph (1) may be met by consultation carried out before this paragraph comes into force.

Commencement Information

I19 Sch. 5 para. 10 in force at 9.1.2022 for E.W.S., see **s. 147(2)(a)**

I20 Sch. 5 para. 10 in force at 28.2.2022 for N.I. by S.R. 2022/54, **art. 2(1)(c)**

Changes to legislation:
There are currently no known outstanding effects for the Environment Act 2021, PART 1.