

STATUTORY INSTRUMENTS

2023 No. 219

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

PART 1

General

Establishment in England and the United Kingdom

3.—(1) In these Regulations, a person is established in—

(a) England if—

- (i) that person is habitually resident in England;
- (ii) the registered office of that person, or if they do not have a registered office, their head office, or principal place of business, is in England; or
- (iii) paragraph (2) applies;

(b) the United Kingdom if—

- (i) that person is habitually resident in the United Kingdom; or
- (ii) the registered office of that person, or if they do not have a registered office, their head office, or principal place of business, is in the United Kingdom.

(2) This paragraph applies if—

- (a) the registered office of that person, or if they have no registered office, their head office or principal place of business of that person is outside the United Kingdom;
- (b) the person has a branch or postal address in England; and
- (c) the person has not given notice to the Environment Agency under paragraph (3).

(3) Where a person to whom paragraph (2)(a) applies has a branch or postal address in England and in one or more other [^{F1}nations of] the United Kingdom, that person may elect to be treated as established in one of those other [^{F2}nations] instead of in England by giving notice to the Environment Agency.

(4) A notice given under paragraph (3) must specify the [^{F3}nation] in which the person giving the notice wishes to be treated as established for the purposes of these Regulations.

(5) When the Environment Agency receives notice of an election under paragraph (3), the Environment Agency must notify the UK regulator in the [^{F4}nation] specified in the notice.

Textual Amendments

- F1** Words in [reg. 3\(3\)](#) substituted (30.6.2023) by [The Packaging Waste \(Data Reporting\) \(England\) \(Amendment\) Regulations 2023 \(S.I. 2023/721\)](#), [regs. 1\(2\)\(a\)](#), [4\(a\)\(i\)](#)

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Packaging Waste (Data Reporting) (England) Regulations 2023. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- F2** Word in reg. 3(3) substituted (30.6.2023) by The Packaging Waste (Data Reporting) (England) (Amendment) Regulations 2023 (S.I. 2023/721), regs. 1(2)(a), **4(a)(ii)**
- F3** Word in reg. 3(4) substituted (30.6.2023) by The Packaging Waste (Data Reporting) (England) (Amendment) Regulations 2023 (S.I. 2023/721), regs. 1(2)(a), **4(b)**
- F4** Word in reg. 3(5) substituted (30.6.2023) by The Packaging Waste (Data Reporting) (England) (Amendment) Regulations 2023 (S.I. 2023/721), regs. 1(2)(a), **4(c)**

Commencement Information

- I1** Reg. 3 in force at 28.2.2023, see **reg. 1(2)**

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 10(1)(aa) inserted by [S.I. 2024/359 reg. 17\(b\)\(i\)\(bb\)](#)
- Sch. 1 para. 10(1A) inserted by [S.I. 2024/359 reg. 17\(b\)\(ii\)](#)
- Sch. 1 para. 22(1)(c) inserted by [S.I. 2024/359 reg. 17\(h\)\(ii\)](#)
- Sch. 1 para. 13(3) substituted by [S.I. 2024/359 reg. 17\(c\)\(ii\)](#)
- Sch. 1 para. 22(2)(b) words inserted by [S.I. 2024/359 reg. 17\(h\)\(iii\)](#)
- reg. 6(7) inserted by [S.I. 2024/359 reg. 6\(b\)](#)
- reg. 77A substituted for reg. 7 by [S.I. 2024/359 reg. 7](#)
- reg. 8(1)(1A) substituted for reg. 8(1) by [S.I. 2024/359 reg. 8\(a\)](#)
- reg. 8(2A) words inserted by [S.I. 2024/359 reg. 8\(c\)\(iii\)](#)
- reg. 8(2A) words substituted by [S.I. 2024/359 reg. 8\(c\)\(i\)](#)
- reg. 8(2A) words substituted by [S.I. 2024/359 reg. 8\(c\)\(ii\)](#)
- reg. 8(2C) omitted by [S.I. 2024/359 reg. 8\(d\)](#)
- reg. 8(3A) words inserted by [S.I. 2024/359 reg. 8\(f\)\(i\)](#)
- reg. 8(3A)(a)(i) word inserted by [S.I. 2024/359 reg. 8\(f\)\(ii\)](#)
- reg. 8(3A)(b) words omitted by [S.I. 2024/359 reg. 8\(f\)\(iii\)](#)
- reg. 8(4)(4A) substituted by [S.I. 2024/359 reg. 8\(g\)](#)
- reg. 8(4B) inserted by [S.I. 2024/359 reg. 8\(h\)](#)
- reg. 8(8A) inserted by [S.I. 2024/359 reg. 8\(k\)](#)
- reg. 10(1A)(a) inserted by [S.I. 2024/359 reg. 9\(a\)\(i\)](#)
- reg. 10(1A)(b) words in reg. 10(1A) renumbered as reg. 10(1A)(b) by [S.I. 2024/359 reg. 9\(a\)\(ii\)](#)
- reg. 17A inserted by [S.I. 2024/359 reg. 13\(2\)](#)
- reg. 20(3) inserted by [S.I. 2024/359 reg. 14](#)
- reg. 22A inserted by [S.I. 2024/359 reg. 15](#)