



# Climate Change (Scotland) Act 2009

## 2009 asp 12

### PART 5

#### OTHER CLIMATE CHANGE PROVISIONS

### CHAPTER 5

#### WASTE REDUCTION AND RECYCLING

##### *Deposit and return*

#### **84      Deposit and return schemes**

- (1) The Scottish Ministers may, by regulations, establish deposit and return schemes.
- (2) A “deposit and return scheme” is a scheme under which—
  - (a) the sale price of articles includes a returnable element (a “deposit”);
  - (b) persons who return—
    - (i) such articles;
    - (ii) the packaging associated with such articles (“returnable packaging”);or
    - (iii) both such articles and such packaging,are entitled to be paid a sum equal to that deposit.
- (3) Retailers may be required, under a deposit and return scheme, to—
  - (a) include a deposit in the price of articles placed on the market by them;
  - (b) accept the return to them of—
    - (i) such articles;
    - (ii) returnable packaging; or
    - (iii) both such articles and such packaging;
  - (c) pay a sum equal to the deposit to persons who return to them—
    - (i) such articles;
    - (ii) returnable packaging; or

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- (iii) both such articles and such packaging;
  - (d) return such articles to the producers of them;
  - (e) return returnable packaging to the producers of it or of the articles with which it is associated.
- (4) Producers may be required, under a deposit and return scheme, to—
- (a) include a deposit in the price of articles placed on the market by them;
  - (b) accept the return to them of—
    - (i) such articles;
    - (ii) returnable packaging; or
    - (iii) both such articles and such packaging;
  - (c) pay a sum equal to the deposit to retailers who return to them—
    - (i) such articles;
    - (ii) returnable packaging; or
    - (iii) both such articles and such packaging;
  - (d) recycle, or have recycled—
    - (i) such articles;
    - (ii) returnable packaging; or
    - (iii) both such articles and such packaging.
- (5) A deposit and return scheme may also provide for a person or body (a “scheme administrator”) to—
- (a) ensure that deposits are included in the price of articles placed on the market;
  - (b) accept the return of—
    - (i) such articles;
    - (ii) returnable packaging; or
    - (iii) both such articles and such packaging;
  - (c) pay sums equal to deposits to persons who return—
    - (i) such articles;
    - (ii) returnable packaging; or
    - (iii) both such articles and such packaging;
  - (d) return such articles to the producers of them;
  - (e) return returnable packaging to the producers of it or of the articles with which it is associated;
  - (f) recover sums equal to deposits from such producers;
  - (g) recycle, or have recycled—
    - (i) such articles;
    - (ii) returnable packaging; or
    - (iii) both such articles and such packaging.
- (6) The Scottish Ministers may make regulations under this section only where they consider it necessary or expedient to do so for the purpose of promoting or securing an increase in the recycling of materials.
- (7) The regulations may in particular include provision about—
- (a) the persons who are retailers and producers for the purposes of deposit and return schemes;
  - (b) the articles to which such schemes apply;

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- (c) the deposits to be included in the price of such articles;
- (d) the inclusion, in the sale price of articles, of a non-returnable element to cover the reasonable costs incurred by retailers, producers or a scheme administrator in administering such schemes;
- (e) the articles the return of which entitles persons to payment of sums equal to deposits;
- (f) the methods by which such articles are to be identified;
- (g) the packaging which is returnable packaging for the purposes of such schemes;
- (h) the methods by which returnable packaging is to be identified;
- (i) information on the operation of schemes (including notices on premises where articles are offered for sale and the content of such notices);
- (j) the places to which articles can be returned;
- (k) the places to which returnable packaging can be returned;
- (l) the registration of retailers and producers to whom schemes apply (including the reasonable fees payable in relation to such registration);
- (m) the scheme administrator;
- (n) subject to section 89—
  - (i) the enforcement authority in relation to the regulations; and
  - (ii) the functions of that authority;
- (o) the keeping of records and other information and their production to the enforcement authority;
- (p) the enforcement of the duties imposed by the regulations;
- (q) offences in relation to failures to comply with requirements of the regulations.