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STATUTORY INSTRUMENTS

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**1997 No. 648**

**The Producer Responsibility Obligations  
(Packaging Waste) Regulations 1997**

**PART VI**

**AGENCIES' POWERS & DUTIES**

**Monitoring**

- 25.**—(1) An appropriate Agency shall monitor in accordance with this regulation—
- (a) compliance with their producer responsibility obligations by persons who are or may be producers; and
  - (b) the discharge through schemes registered with it of the obligations of their members referred to in regulation 4(1)(b).
- (2) The duty referred to in paragraph (1) above includes a duty to monitor—
- (a) the registration of producers as required by regulation 5;
  - (b) the accuracy of the initial information and the further information provided by producers and referred to in regulations 6 and 8, together with any changes notified in accordance with the undertakings referred to in regulation 7(a)(iii) and (iv);
  - (c) the accuracy of the returns furnished to the Agency by a producer under regulation 22 or Part V of Schedule 3;
  - (d) the accuracy of the information contained in certificates of compliance furnished to the Agency under regulation 23;
  - (e) the accuracy of the initial information and the further information provided by an operator of a scheme and referred to in regulations 12 and 14, together with any changes notified in accordance with the conditions referred to in regulation 13(d)(iii) and (iv); and
  - (f) the accuracy of the returns provided to the Agency by an operator of a scheme under regulation 24.

**Public register**

- 26.**—(1) The appropriate Agency shall maintain and make available in accordance with this regulation a register relating to the producers and schemes registered with it in accordance with regulations 5 to 16 and containing—
- (a) the information relating to producer registration prescribed in paragraph 1 of Schedule 7; and
  - (b) the information relating to registration of schemes prescribed in paragraph 2 of Schedule 7.
- (2) The appropriate Agency shall—
- (a) secure that the register is open for inspection at its principal office by members of the public free of charge at all reasonable hours; and

- (b) permit members of the public to obtain copies of entries in the register on payment of reasonable charges.
- (3) The register may be kept in any form but shall be indexed and arranged so that members of the public can readily trace information contained in it.
- (4) An appropriate Agency shall amend the relevant entry in the register to record any change to the information entered and shall note the date on which the amendment is made.
- (5) Nothing in this regulation shall require a register maintained by an appropriate Agency to contain information relating to, or to anything which is the subject-matter of, any criminal proceedings (including prospective proceedings) at any time before those proceedings are finally disposed of.
- (6) Nothing in this regulation shall require a register maintained by an appropriate Agency to contain any information which has been superseded by later information after 4 years have elapsed from that later information being entered in the register.

#### **Approval of persons to issue certificates of compliance**

- 27.** For the purposes of issuing certificates of compliance an appropriate Agency may approve—
- (a) where the producer is an individual, that individual;
  - (b) where the producer is a partnership, a partner; or
  - (c) where the producer is a company, a director of that company.

#### **Entry and inspection**

**28.—(1)** A person who appears suitable to an appropriate Agency may be authorised in writing by that Agency for the purposes of its functions under these Regulations to exercise the powers of entry and inspection referred to in paragraph (2) below.

(2) The powers of entry and inspection are those set out in section 108(4)(a) to (l) of the Act (powers of enforcing authorities and persons authorised by them) and for this purpose section 108(4) shall be read as if references to the authorised person were references to the appropriate Agency's servant or agent and as if—

- (a) the words “(or, in an emergency, at any time and, if need be, by force)” in section 108(4)(a) were omitted;
- (b) the power set out in section 108(4)(b) were omitted;
- (c) the reference to measurements in section 108(4)(e) were omitted;
- (d) the reference in section 108(4)(f) to articles or substances in relation to which samples may be taken were to records and packaging and packaging materials and as if the power in that paragraph to take samples of the air, water or land in, on, or in the vicinity of, the premises were omitted;
- (e) the power set out in section 108(4)(g) were omitted;
- (f) the reference in section 108(4)(h) to any article or substance were to any sample as is mentioned in paragraph (d) above and as if the reference to an offence in section 108(4)(h)(iii) were to an offence under regulation 34 of these Regulations;
- (g) the reference to records in section 108(4)(k)(i) were to the records and returns required to be kept and provided to the appropriate Agency under regulations 22 and 24 and Part V of Schedule 3; and
- (h) the reference to the power in section 108(l) were to the power conferred by this regulation.

(3) The provisions of section 108(6) and (7) of the Act shall apply to the powers conferred by paragraphs (1) and (2) above as they apply to the powers conferred by section 108(4) of the Act, but as if any reference to an authorised person were to the appropriate Agency’s servant or agent, and as if—

- (a) in section 108(6) and (7) the words “except in an emergency” were omitted; and
- (b) in section 108(6) the words “or to take heavy equipment on to any premises” were omitted.

(4) The provisions of section 108(12) and (13) of the Act shall apply to the powers conferred by paragraphs (1) and (2) above as they apply to the powers conferred by section 108(4) of the Act.

(5) The provisions of paragraphs 2 to 6 of Schedule 18 to the Act (supplemental provisions with respect to powers of entry) shall apply to the powers conferred by this regulation as they apply to the powers conferred by section 108 of the Act, but as if any reference—

- (a) to a designated person were to a person authorised in writing by an appropriate Agency to exercise on its behalf any power conferred by this regulation;
- (b) to a relevant power were to a power conferred by this regulation, including a power exercisable by virtue of a warrant under the provisions of that Schedule as applied by this paragraph;
- (c) in paragraph 2(3) to subsection (6) of section 108 of the Act were to paragraph (2) of this regulation;
- (d) in paragraph 4(1) to section 108(12) of the Act were to paragraph (4) of this regulation; and
- (e) in paragraph 6(1) to section 108(4)(a) or (b) or (5) of the Act were to paragraph (1)(a) or (b) of this regulation.

(6) In this regulation “warrant” means a warrant under the provisions set out in Schedule 18 to the Act as applied by paragraph (5) above.