

## SCHEDULE 9

Regulation 30

### MID-YEAR CHANGES

#### PART I

##### SCHEME MEMBERSHIP

1. Subject to paragraph 4 below, where a person who is a producer in respect of a year becomes a member of a registered scheme during that year, the recovery and recycling obligations of the producer for that year, referred to in regulation 4(1)(b), shall be performed through the scheme.

2. Subject to paragraph 3 below, where a person who is a producer in respect of a year ceases to be a member of a registered scheme during that year, he shall comply with his recovery and recycling obligations for that year, calculated as provided in regulation 3 and Schedule 2.

3. Where a person who is a producer in respect of a year ceases to be a member of a registered scheme, because the registration of the scheme has been cancelled in accordance with regulation 17, during that year he shall comply with a proportion of his recovery and recycling obligations for the year, calculated as follows—

$$\frac{D}{E}$$

where—

D is the number of days in the relevant year from the date when such membership ceased, and

E is the number of days in the relevant year.

4. Where a person who is a producer in respect of a year ceases to be a member of one registered scheme (“the first scheme”) and becomes a member of another registered scheme (“the second scheme”) during that year, the first scheme shall not be required to perform any of the producer’s recovery and recycling obligations, referred to in regulation 4(1)(b), and all such obligations shall be performed through the second scheme.

#### PART II

##### GROUP MEMBERSHIP

5. This Part applies where—

- (a) a company joins a group of companies and becomes a company to which paragraph 1 of Schedule 8 applies; or
- (b) a holding company or subsidiary company to which paragraph 1 of Schedule 8 applies ceases to belong to a group of companies.

6. Where paragraph 5(a) above applies the company shall either—

- (a) be registered separately with the appropriate Agency as required by regulation 5; or
- (b) be registered with the appropriate Agency as part of a group registration under Schedule 8 and for the purposes of this paragraph—
  - (i) such registration is effected upon notice being given by the holding company to the appropriate Agency of the change in the group registration, and

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- (ii) where prior to joining the group of companies the company was registered with an appropriate Agency, the Agency shall cancel the company's registration on receipt of that notice and regulations 11(2) and (3) shall apply to that cancellation.

**7. Where—**

- (a) paragraph 5(a) above applies;
- (b) in relation to the obligation year the company itself satisfies the threshold tests; and
- (c) the company is registered as part of a group registration;

the holding company shall be required to comply with the requirements of the company's recovery and recycling obligations for the year in which it joins the group.

**8. Where—**

- (a) paragraph 5(a) above applies;
- (b) in relation to the obligation year the company itself satisfies the threshold tests; and
- (c) the company is registered separately with the appropriate Agency;

the company shall comply with its recovery and recycling obligations for the year in which it joins the group.

**9. Where—**

- (a) paragraph 5(a) above applies;
- (b) in relation to the obligation year the company itself does not satisfy the threshold tests; and
- (c) the company is part of a group registration;

the holding company shall comply with a proportion of the requirements of the company's recovery and recycling obligations for the year in which it joins the group, such proportion being calculated as provided in paragraph 17(1) below.

**10. Where—**

- (a) paragraph 5(a) above applies;
- (b) in relation to the obligation year the company itself does not satisfy the threshold tests; and
- (c) the company is registered separately with the appropriate Agency;

the company shall comply with a proportion of its recovery and recycling obligations for the year in which it joins the group, such proportion being calculated as provided in paragraph 17(1) below.

**11. Where—**

- (a) paragraph 5(b) above applies; and
- (b) in relation to the obligation year the company itself satisfies the threshold tests;

it shall register with the appropriate Agency as required by regulation 5 within 28 days of ceasing to be a member of a group and regulations 6 to 11 shall apply as if this were an occurrence specified in regulation 6(3).

**12. Where—**

- (a) paragraph 5(b) above applies;
- (b) in relation to the obligation year the company itself satisfies the threshold tests; and
- (c) the company was registered as part of a group registration;

the following shall apply—

- (i) the holding company shall comply with a proportion, calculated as provided in paragraph 17(1) below, of the requirements of the company's recovery and recycling obligations for the year in which it ceases to be a member of the group, and
- (ii) the company shall comply with a proportion of its recovery and recycling obligations for that year, such proportion being calculated as provided in paragraph 17(1) below, except that for this purpose G is the number of days in the relevant year during which the company was not a member of the group.

**13. Where—**

- (a) paragraph 5(b) above applies;
- (b) in relation to the obligation year the company itself satisfies the threshold tests; and
- (c) the company is registered separately with the appropriate Agency;

the company shall comply with its recovery and recycling obligations for the year in which it ceases to be a member of the group.

**14. Where—**

- (a) paragraph 5(b) above applies;
- (b) in relation to the obligation year the company itself does not satisfy the threshold tests; and
- (c) the company was registered as part of a group registration;

the holding company shall be required to comply with a proportion of the requirements of the company's recovery and recycling obligations for the year in which it ceases to be a member of the group, such proportion being calculated as provided in paragraph 17(1) below.

**15. Where—**

- (a) paragraph 5(b) above applies;
- (b) in relation to the obligation year the company itself does not satisfy the threshold tests; and
- (c) the company was registered separately with the appropriate Agency;

the holding company shall comply with a proportion of the requirements of the company's recovery and recycling obligations for the year in which it ceases to be a member of the group, such proportion being calculated as provided in paragraph 17(1) below.

**16. Where in a relevant year paragraph 5 above applies to a company as a result of that company ceasing to be a member of one group ("the first group") and becoming a member of another group ("the second group")—**

- (a) where in relation to each group the company is registered as part of a group registration, each holding company shall comply with the requirements of a proportion of the company's recovery and recycling obligations, such proportion being calculated as provided in paragraph 17(2) below;
- (b) where in relation to each group the company is registered separately with the appropriate Agency, the company shall comply with its recovery and recycling obligations for the year;
- (c) where in relation to the first group the company was registered as part of a group registration and in relation to the second group the company is registered separately with the appropriate Agency, the holding company in relation to the first group, and the company, shall each comply with a proportion of the company's recovery and recycling obligations, such proportion being calculated as provided in paragraph 17(2) below; or
- (d) where in relation to the first group the company was registered separately with the appropriate Agency and in relation to the second group the company is registered as part of a group registration, the company, and the holding company in relation to the second group,

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shall each comply with a proportion of the company’s recovery and recycling obligations, such proportion being calculated as provided in paragraph 17(2) below.

**17.—(1)** The proportion referred to in paragraphs 9, 10, 12(c)(i) and (ii), 14 and 15 above shall be calculated as follows—

$$\frac{G}{H}$$

where—

G is the number of days in the relevant year during which the company was a member of the group, and

H is the number of days in the relevant year.

(2) The proportion referred to in paragraph 16(a), (c) and (d) above shall be calculated as provided in sub-paragraph (1) above except that for this purpose G is the number of days in the relevant year during which the company was a member of the group in relation to which the calculation is being made.

**18.** For the purposes of this Part of this Schedule—

- (a) the “threshold tests” means the threshold tests provided in paragraph 3 of Schedule 1; and
- (b) “obligation year” has the meaning given in that Schedule for the purposes of the definition of the threshold tests.

### PART III

#### INCAPACITY

**19.** Where in a relevant year a producer dies or becomes bankrupt or incapacitated (“the first producer”) that person shall cease to have any producer responsibility obligations for that year and any person who carries on the activities of the first producer following that event shall be treated as a producer and shall have the producer responsibility obligations of the producer for that year.

**20.** Any person carrying on the activities of the first producer referred to in paragraph 19 above shall within 28 days of commencing to do so—

- (a) inform the appropriate Agency in writing of that fact and the date of the death, the date of bankruptcy or the nature of the incapacity and the date on which it began; and
- (b) apply to be registered as required by regulation 5 and for this purpose the requirement in regulation 6(4)(d) (payment of a fee) shall not apply.

**21.** In relation to a producer which is a company, the references to a person becoming bankrupt or incapacitated in paragraph 19 above shall be construed as references to it going into liquidation or receivership or to an administration order being made in relation to it.