

# Scotland's Deposit Return Scheme:

## Application form for Return Point Exemption

**This form is for:**

- Retailers seeking to be exempted from operating a return point, where another retailer or voluntary return point operator has agreed to take back containers on their behalf; or
- Retailers who have agreed to take back containers on behalf of one of more other retailer(s), and who wish to act as an alternative return point; or
- Existing voluntary return point operators who have agreed to take back containers on behalf of one of more retailer(s)

**The Deposit and Return Scheme for Scotland Regulations 2020 (“the Regulations”) require all retailers who sell, to consumers on their premises, in-scope drinks for take away to also operate a return point, allowing the public to return empty packaging and redeem their 20p deposit. (NB: for the sake of brevity, the word “retailer” in this form should always be taken to mean a retailer selling drinks as described above.)**

The principle behind this is that it should be as simple for the public to return an empty container as it was to buy the drink originally.

The Regulations also allow for return points to be operated from other types of premises, recognising that there may be circumstances where additional return points are required or that alternative premises may offer an equally convenient option. These are defined as voluntary return points, as they are not automatically required to act as a return point.

The Scottish Government recognise that where multiple retailers and/or voluntary return points are in close proximity to each other, it may not always be necessary for all organisations to act as a return point to maintain this principle. The Regulations therefore allow exemptions to be considered by Scottish Ministers in situations such as:

- One retailer agrees to act as a return point on behalf of one or more other retailers
- Retailers collaborate to establish a voluntary return point rather than each retailer individually taking returns
- A voluntary return point being established by someone other than retailers and agreeing to act on behalf of one or more retailers

This application form may be used by retailers looking to apply for an exemption. Applications will be assessed against two key criteria:

1) There is an alternative return point located within reasonable proximity to the premises, and the operator of that return point has agreed to accept the return by consumers of items of scheme packaging on behalf of the retail applicant for an exemption, and

2) If the exemption is granted, this will still provide consumers with reasonable access to a return point throughout the area in which the retail premises are located.

Both of these criteria must be met for the Scottish Ministers to grant the exemption.

**NB:** Until an exemption is granted, the retailer must continue to act as a return point.

Scottish Ministers must consider a submitted application for exemption and make a decision within 28 days of receipt of the application. They must, within 7 days of that decision:

**Where granted:** notify the retailer of that decision in writing and the date that the exemption takes effect  
**Where refused:** notify the retailer of the refusal and give reasons for the refusal in writing

A retailer who has been granted an exemption must clearly display information at the retailer’s premises indicating:

- that by virtue of an exemption granted under these Regulations, they do not operate a return point, and
- the location of the alternative return point

An exemption may be revoked by Scottish Ministers where there has been a material change of circumstances against the two key criteria identified above. Before revoking this, a written notice of the reason for the decision and the date on which it takes effect will be provided.

## How to fill in this form

**I am a retailer seeking to be exempted from operating a return point and another retailer or existing voluntary return point operator has agreed to take back containers on my behalf.**

You should:

- Fill in Section A;
- Ask the retailer or existing voluntary return point which has agreed to take back containers on your behalf to fill in Section B and return to you;
- Send the completed Sections A and B to [XXX].

**I am a retailer seeking to be exempted from operating a return point and the operator of a new voluntary return point (not yet approved) has agreed to take back containers on my behalf.**

You should:

- Fill in Section A (ignore section B);
- Send this form to the operator of the new voluntary return point which has agreed to take back containers on your behalf;
- They will attach your partially completed Retailer Exemption Application form to their application to set up a new voluntary return point.

**I am a retailer who has agreed to take back containers on behalf of another retailer, and act as an alternative return point.**

You should:

- Fill in Section B;
- Send this partially completed form to the retailer seeking an exemption, on whose behalf you will be taking back containers;
- They will fill in Section A of this form and send the fully completed form to [XXX].

**I am the operator of an existing approved voluntary return point and I have agreed to take back containers on behalf of one or more retailer(s).**

If you have agreed to take back containers on behalf of only one retailer, you should:

- Fill in Section B;
- Send this partially completed form to the retailer seeking an exemption;
- They will fill in Section A of this form and send the fully completed form to [XXX].

If you have agreed to take back containers on behalf of more than one retailer, you should:

- Ask these retailers seeking an exemption to, each, fill in Section A of this form and return to you their copy of their partially completed form;
- Fill in Section B of this form (you only need to complete it once);
- Send all partially completed copies of this form (provided by the retailers) alongside your partially completed copy of the form to [XXX].

# SECTION A: APPLICATION FOR RETURN POINT EXEMPTION

## Who should fill in this section?

A retailer applying for an exemption;

<b>Retailer Applying For Exemption Details</b>	
Organisation name (including business or trading names if different)	
Address and postcode of retail premises applying for exemption	
Address for correspondence (if different from above)	
Company/Charity registration number (where applicable)	
Contact name	
Job Title	
Telephone number	
Email address	
Notifications preference (Email or Post)	

- I have an agreement in place with the alternative return point operator identified in Section B of this application or identified in the attached Voluntary Return Point application form?
- I will clearly display information informing customers of the fact that I am not acting as a return point and of the location of the alternative return point – A5 minimum and visible at point of purchase and entry to store
- I will notify Scottish Government of change in circumstances or if alternative return point no longer acting on behalf

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Print name: \_\_\_\_\_

Job title: \_\_\_\_\_

(applicant)

**Question 1: opening times**

Will the alternative return point be open at the same times as the retailer seeking an exemption identified in this section of the application?

Yes  No

If Yes, go to question 2

If No, go to question 4

**Why are we asking this question?**

If the alternative return point is always open whenever your business is open, that makes it easier to show that consumers will still have reasonable access to a return point.

If the alternative return point isn't always open when your business is open, that might not be a problem if the difference is small (for example, if you normally open at 07:00 and they normally open at 07:15). Just tick No to this question and use the space under Question 4 to explain why the impact will be small. Your application will be considered on its merits.

**Question 2: physical location**

2a: Are the premises of the retailer seeking an exemption and the alternative return point physically connected e.g. part of the same block of buildings or located on the same level in a shopping centre?

Yes  No

If Yes, go to question 3

If No, go to question 2b

**2b:** If not physically connected, are the premises of the retailer seeking an exemption and the alternative return point within 20m each other and have a clear line of sight?

Yes  No

If Yes, go to question 3

If No, go to question 4

**Why are we asking this question?**

This question is included to give you the opportunity to tell us some information which could help make your application easier to process. It doesn't mean you will automatically get an exemption, but it gives you a simple way of showing you meet the condition of reasonable proximity to the alternative return point.

If you can't tick Yes to either Questions 2a or 2b, it's still possible that you could get an exemption if you meet the right conditions. Use the space under Question 4 to show how you meet the criteria of reasonable proximity and reasonable access. There is further guidance under Question 4.

**Question 3: additional information**

Please include any additional information which you believe will support your application. This might include:

- a map identifying the retailer seeking an exemption, the alternative return point and the pedestrian route between them
- details (text and/or images) of any obstacles in between e.g. a road
- any elevation difference i.e. slope or stairs

**Question 4: additional information**

If you have answered No to Question 1 and/or 2 above, we need some more information from you in order to demonstrate that your application fits with the principle that it should be as easy to return the container as it is to purchase it.

At a minimum, this should be a map identifying the retailer seeking an exemption and the alternative return point and the pedestrian route between them. This should also make clear the distance to travel between them on foot.

If you have told us that the alternative return point is not always open when your business is open, you should include a table comparing your opening times with theirs.

You should also consider including:

- details (text and/or images) of any obstacles in between e.g. a road
- any elevation difference i.e. slope or stairs

**NB:** applications will be judged on a case-by-case basis and what is reasonable may vary significantly between locations. As a guide only, Scottish Ministers are unlikely to approve an application where the distance on foot between your business and the alternative return point is more than:

- In a built-up urban area, 100 metres;
- In any other area, 200 metres.

## SECTION B: AGREEMENT TO TAKE BACK CONTAINERS ON ANOTHER RETAILER'S BEHALF

### Who should fill in this section?

- A retailer selling drinks, agreeing to take back containers on behalf of another retailer; or
- An existing voluntary return point operator, agreeing to take back containers on behalf of one or more retailers

Alternative Return Point Operator Details	
Organisation name (including business or trading names if different)	
Address and postcode of alternative return point premises	
Address for correspondence (if different from above)	
Company/Charity registration number (where applicable)	
Contact name	
Job Title	
Telephone number	
Email address	
Notifications preference (Email or Post)	

I agree to act as an alternative return point for the retailer(s) identified in section A of this application (and, where relevant, in the attached Retailer Exemption application forms) and you have permission to contact me to verify this agreement is in place.

I have considered the number of containers likely to be returned and have arrangements in place to manage this.

Please provide information to demonstrate this, including the number of other retailer premises you are currently acting and/or awaiting approval to act as an alternative return point for, and the number of containers you are expecting to receive in acting on behalf of all of those.

I will notify Scottish Government of change in circumstances or if no longer acting on behalf of retailer(s) identified within this application.

Signed  
(applicant): \_\_\_\_\_

Print name: \_\_\_\_\_

Date: \_\_\_\_\_

Job title: \_\_\_\_\_

(applicant)