

## VENDING AND THE DEPOSIT RETURN SCHEME FOR SCOTLAND

It has been brought to our attention recently that there is some confusion surrounding the involvement of vending and vending operators in management of the forthcoming Scottish Deposit Return Scheme in Scotland. With some sites and personnel indicating that there is a legal responsibility on an Operator to provide a reverse vending machine.

The AVA, through the Environment Committee, has been in direct discussion with the Scottish Government from the very early stages of the development of the DRS programme, working hard to ensure that the best interests of vending have been managed, and that the very substantial operational differences between ourselves and those of the retail marketplace have been recognised.

Clearly there is still some way to go before the Scottish DRS programme passes through Parliament into Scottish law, and the remaining part of this journey will not continue until after the elections in May, before implementation gets underway in 2022.

Nevertheless, we can confirm that where sales of cans, glass bottles and PET bottles is solely through vending machines on a site, then the machine operators are excluded from the obligation to provide a return point.

Under the draft Deposit Return Scheme for Scotland Regulations 2020, Part 5–Retailers and Return Points, Chapter 1–Retailers, Regulation 19–Retailer Obligations, Paragraph 2 (c), it states that:

*“where the sale of a scheme article on those premises is solely by way of a vending machine, the retailer obligation does not apply to those premises”.*

However, the machine must have a notice to alert the customer to a site where the deposit may be redeemed because in the previous paragraph, Paragraph 1 of Section 19, in section C. III, it states that the retailer must clearly display information about how a deposit can be redeemed: *“in the case of a scheme article marketed, offered for sale or sold by way of a vending machine, on the vending machine”.*

Retail outlets of 50m<sup>2</sup> or less will be exempt providing a deposit return point. This also includes vending. So, the sale of all articles under DRS through vending machines will carry the 20p deposit in their price to the consumer, but this deposit is to be redeemed at a retail point of sale for which instructions must be displayed on the vending machine.

On a site where there also a retail outlet, canteen, or Café where total space is over 50m<sup>2</sup>, then the responsibility to provide a deposit return mechanism falls to this point of sale.

Of course, there is the opportunity to become a Voluntary Return Point Operator, as in Chapter 4 of the Regulations. As a voluntary return point operator, it would be possible to extend the service offered at an additional cost to the client. In such circumstances this could be considered to add value to the provision of services available but would require careful and considered review to

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fully understand the full obligations it brings with it under the Deposit Return Scheme Regulations.

On a final note, to add that the Environment Committee are also in dialogue with Defra regarding the DRS programmes being progressed for England, Wales and Northern Ireland. It is the intention of the Governments of these countries to develop their schemes to be as consistent as possible for the consumers across the UK as a whole and this will include exemption of vending as it is under planned Scottish scheme.

Full details of the proposed legislative framework can be found here:  
<https://www.legislation.gov.uk/sdsi/2020/9780111044681/contents>



How the Scottish DRS will work (including vending)

Where vending is the only source of drinks in bottles or cans there is no requirement for a deposit return mechanism.  
*DRS for Scotland Regulations 2020 Section 19.2.c.*



Automatic Vending Association  
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