



## **THE WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (SCOTLAND) FEES and CHARGES SCHEME 2016**

The Scottish Environment Protection Agency, in exercise of its powers under Section 41 of the Environment Act 1995 and in accordance with Section 42 and the Waste Electrical and Electronic Equipment Regulations 2013, ("the Regulations"), regulations 59 and 65 and with the approval of the Scottish Ministers, makes the following scheme of fees and charges.

### **1. CITATION, EXTENT, COMMENCEMENT AND REVOCATION**

- 1.1 This scheme shall be cited and referred to as the Waste Electrical and Electronic Equipment Fees and Charges (Scotland) Scheme 2016 (and it shall be referred to here as "the Scheme").
- 1.2 The Scheme shall apply to Scotland only and shall come into force on 1 April 2016.
- 1.3 The Waste Electrical and Electronic Equipment (Scotland) Fees and Charges Scheme 2015 shall cease to have effect on 1 April 2016, insofar as it relates to any period on or after 1 April 2016.
- 1.4 Except as stated in Clause 2.3, the Scheme supersedes Regulation 51 in so far as it relates to any activity taking place on or after 1 April 2016.

### **2. INTERPRETATION**

- 2.1 In the Scheme, unless the contrary intention appears:
  - (a) any meanings given to words or phrases within the Regulations shall have the same meanings here
  - (b) "regulation" shall mean a regulation within "the Regulations"
  - (c) "SEPA" means the Scottish Environment Protection Agency, incorporated under the Environment Act 1995 and having its Corporate Office at Strathallan House, Castle Business Park, Stirling, FK9 4TZ;
  - (d) "us" and "we" means SEPA;
  - (e) "the Regulations" means the Waste Electrical and Electronic Equipment Regulations 2013;
  - (f) "the 1995 Act" means the Environment Act 1995;

(g) "you" shall mean the body that has to pay our fees or charges and shall, therefore, include the "applicant", "the operator" and "the party".

- 2.2 The Interpretation Act 1978 shall apply to the Scheme; excepting that "year" and "financial year" shall each be defined as being that period from 1 April to 31 March.
- 2.3 In the event that any provision of this Scheme is found to be unenforceable the terms of the Regulations, regulations 59 and 65, which were replaced by the unenforceable provisions, shall be deemed to apply without any further action being required by us.
- 2.4 The headings of each of the clauses are for information only and do not affect the meaning of the clauses.

### **3. FEES AND CHARGES — GENERAL**

- 3.1 Except if we say otherwise in the Scheme, fees and charges must be paid in full at the same time as submission of the application to which the fee or charge relates. An application submitted without the fee or charge shall be treated as an invalid application.
- 3.2 We shall endeavour to issue an invoice for any fee or charge which does not have to be paid at the same time as an application is submitted. If, however, an invoice is not received or if an invoice is issued incorrectly the fee is still payable.
- 3.3 Subject to the remainder of the terms hereof, all fees and charges shall not be refunded in any circumstances. In particular, they shall not be refunded if the application for which the fee or charge submitted is refused or withdrawn.

### **4. APPLICATION FEES**

- 4.1 The application charge referred to in
- (a) regulation 61(1)(c)(i)(aa) shall be £500; and
- (b) regulation 61(1)(c)(i)(bb) shall be £2,570.
- 4.2 The extension of approval charge referred to in regulation 62(1)(c)(i) shall be £110.
- 4.3 Where for any reason approval is refused under regulation 61 or 62 or is suspended or cancelled under regulation 64 we shall not be under any obligation to refund the whole or any part of the application fee that has been paid.

## **5. SUBSISTENCE CHARGES**

- 5.1 Subject to paragraph (5.2), the annual producer charge referred to in regulation 57(f)(i) shall be
- (a) £30 for each scheme member who is not, and is not required to be, registered under the Value Added Tax Act 1994;
  - (b) £30 for each small producer
  - (c) £210 for each scheme member who is, or is required to be, registered under the Value Added Tax Act 1994 and who had a total turnover of £1 million or less in the last financial year; and
  - (d) £445 for each scheme member who had a total turnover of more than £1 million in the last financial year.
- 5.2 Where an operator of a scheme does not provide the appropriate authority with evidence to support a claim that a scheme member is eligible for the charge specified in clause 5.2(a) or (b), that scheme member shall be deemed to be eligible for the charge specified in clause 5.1(c).
- 5.3 Where for any reason approval is refused under regulation 55 or is withdrawn under regulation 58 SEPA shall not be under any obligation to refund the whole or any part of the application charge that has been paid in accordance with regulation 55(4)(c)(i).

## **6. INCREASE IN CHARGES**

- 6.1 With effect from 1 April 2017 and on every anniversary thereof, SEPA may increase all charges and fees under the Scheme annually in line with increases in the Office for National Statistics measures of inflation as at 30 September in the immediately preceding year. Fees and charges shall be rounded up to the nearest pound sterling.

## **7. METHODS OF PAYMENT**

- 7.1 Payment of a fee or charge shall not have been made until we are in receipt of cleared funds.
- 7.2 Subject to the terms of Clause 7.3, payment to us may be made by any of the following methods:
- (i) by cheque, made payable to "the Scottish Environment Protection Agency" and endorsed "A/C Payee only"

- (ii) by BACS transfer, to the Royal Bank of Scotland, Sort Code: 83-34-00, Account No: 00137187, or such other sort code and account details as we may from time to time determine
- (iii) by credit card or debit card and on completion of the appropriate form included with application forms/invoices
- (iv) by cash

7.3 Payment by credit cards shall attract a variable surcharge. If banks impose a surcharge on us for the use of other facilities, such as accepting payment by debit card, this fee shall be passed on in full to you. Your application will not be accepted until all fees are paid in full.

7.4 It is your duty to ensure that we know that a payment has been made by BACS; that it has come from you and to which permit or application it relates.

7.5 We reserve the right to withdraw any method of payment and to introduce new methods of payment, all without notice.

## **8. LIABILITY TO PAY FEES AND CHARGES**

8.1 The person or persons set out below shall be liable to pay the fees and charges payable under this Scheme:

- (a) for the approval of a proposed scheme, the person or persons making that application;
- (b) for the subsistence charge, the operator in respect of which the charge is payable;
- (c) for all other matters, the person or persons upon whom the relevant notice is served.

## **9. TIME TO MAKE PAYMENT OF FEES AND CHARGES**

9.1 Fees and charges payable under this Scheme shall be due and payable in full at the following times on or after 1 April 2016:

- (a) for fees relating to an application or related matters, on the making of the relevant application;
- (b) for subsistence charges, annually on 1 April; and
- (c) for all fees and charges, on demand

**10. DECISIONS UNDER THE SCHEME**

- 10.1 All acts in terms of the Scheme are delegated to the Chief Executive or such officer or officers as he may from time to time authorise. For the avoidance of doubt this includes anything to be assessed, agreed, determined, certified or otherwise decided upon by us.

**IN WITNESS WHERE OF** these presents typewritten on this and the preceding page are executed for and on behalf of SEPA by **Calum Sutherland MacDonald (subscribing his usual signature C MacDonald)**, Executive Director, at Stirling on the Thirtieth March, Two Thousand and Sixteen in the presence of Jane Dewar, Personal Assistant.

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