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DRAFT STATUTORY INSTRUMENTS

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**2010 No.**

**The CRC Energy Efficiency Scheme Order 2010**

**PART 11**

**Charging**

**Charges**

**81.**—(1) The administrator may charge an applicant or participant for the chargeable activities in article 82.

(2) Payment of a charge is not received by the administrator until the administrator has cleared funds for the full amount due and a charge if unpaid may be recovered by the administrator as a civil debt.

(3) A charge must be calculated by reference to the costs of administering the scheme.

(4) The administrator may apply different charges for—

- (a) the same chargeable activity;
- (b) different classes of applicant or participant in respect of the same chargeable activity.

**Chargeable activities**

**82.**—(1) In article 81, “chargeable activity” means any of the following—

- (a) registration of a participant;
- (b) maintaining a participant for each year of a phase where it is a participant;
- (c) establishing an account, other than a compliance account;
- (d) maintaining such account for each year of a phase where it is required;
- (e) making a determination under article 39(3) or 47(3).

(2) The administrator—

- (a) must require the charge for registration as a participant to be paid before it makes the registration;
- (b) in respect of any other charge, may require it to be paid before it carries out the relevant chargeable activity;
- (c) is not required to reimburse a charge paid where—
  - (i) the chargeable activity is not completed; or
  - (ii) an applicant or participant liable to pay it does not remain within the scheme for all the period in respect of which the charge is payable or has been calculated.

**Amount of charges**

**83.**—(1) The amount of a charge payable under article 81(1) is that set out in—

- (a) version 1 of the document named “CRC Energy Efficiency Scheme Charges”(1) made available by the administrator on or before this Order is made; or
  - (b) any replacement or revision of that document (“revised charging document”).
- (2) Article 81(3) must be complied with in respect of the amount of a charge under paragraph (1).

### **Revised charges**

- 84.**—(1) The administrator may draw up a revised charging document.
- (2) Subject to paragraph (3), the administrator must not apply a revised charging document unless—
- (a) in such manner as it considers appropriate for bringing a proposed document to the attention of those likely to be affected by it, the administrator—
    - (i) sets out its proposals; and
    - (ii) specifies the period within which representations or objections must be made to it; and
  - (b) it receives approval to the revised charging document from the Secretary of State.
- (3) The Secretary of State must consider any representations or objections made by any person to the proposed revised charging document before the Secretary of State decides whether or not to approve it.
- (4) The administrator must not take the steps required under paragraph (2)(a) unless it first consults the following on its proposals—
- (a) the Secretary of State;
  - (b) the Scottish Ministers;
  - (c) the Welsh Ministers; and
  - (d) the Northern Ireland departments.
- (5) A revised charging document must be published and made available before it is to take effect.

### **Collection and remittance of charges**

- 85.**—(1) An administrator (other than the Environment Agency) must pay to the Agency any charge received by it.
- (2) The Environment Agency—
- (a) may collect a charge on behalf of another administrator;
  - (b) must remit charges received to the Secretary of State or, where the Secretary of State directs, as directed to—
    - (i) the Scottish Ministers;
    - (ii) the Welsh Ministers; or
    - (iii) the Department of the Environment.

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(1) The document is available on behalf of all the administrators from the Environment Agency at, National Customer Contact Centre, PO Box 544, Rotherham S60 1BY or from [www.environment-agency.gov.uk/business/regulation/31857.aspx](http://www.environment-agency.gov.uk/business/regulation/31857.aspx).