
DRAFT STATUTORY INSTRUMENTS

2010 No.

The CRC Energy Efficiency Scheme Order 2010

PART 1

Introduction

CHAPTER 1

General

Interpretation

3. In this Order—

“the 2000 Act” means the Freedom of Information Act 2000(1);

“account holder” means the public body, undertaking or other person in whose name an account in the Registry is held;

“achievement table” has the meaning given by article 75(3);

“the Act” means the Climate Change Act 2008;

“the administrator” has the meaning given by article 9;

“allowance” means a tradeable allowance issued under regulations made by the Treasury under section 21 of the Finance Act 2008(2);

“annual report” means the report described in article 49;

“annual reporting year” means—

- (a) in respect of the first phase, each year of that phase;
- (b) in respect of the second and subsequent phases, the second and subsequent years of that phase;

“applicant” means—

- (a) a public body or group of public bodies; or
- (b) an undertaking or group of undertakings,
required to submit an application for registration as a participant under Part 2 or Schedule 6;

“authorised supplier” means—

- (a) in respect of electricity, a person who is licensed to supply electricity (or is exempt from requiring a licence to do so) as defined by—
 - (i) section 64(1) of the Electricity Act 1989(3); or
 - (ii) Article 8(1)(c) of the Electricity (Northern Ireland) Order 1992(4);

(1) 2000 c. 36.
(2) 2008 c. 9.
(3) 1989 c. 29.
(4) S.I. 1992/231 (N.I. 1).

(b) in respect of gas, a person who is licensed to supply gas (or is exempt from requiring a licence to do so) as defined by—

- (i) section 48(1) of the Gas Act 1986⁽⁵⁾; or
- (ii) Article 6(1)(c) of the Gas (Northern Ireland) Order 1996⁽⁶⁾;

“blocking” has the meaning given by article 105(3);

“cancellation account” means the account provided by the administrator into which allowances must be surrendered by a participant in compliance with article 53;

“CCA” means a climate change agreement within the meaning given in paragraph 46 of Schedule 6 to the Finance Act 2000⁽⁷⁾;

“CCA emissions” has the meanings given by paragraph 12(3) of Schedule 5;

“CCA facility” means a facility which is subject to a CCA target;

“CCA target” means a target in respect of energy use or carbon emissions under a CCA;

“CCA target period” means a period referred to as a target period in a CCA or in any rules applicable to a CCA in which a CCA target is to be achieved;

“charitable purpose” has the meaning given by—

- (a) section 2 of the Charities Act 2006⁽⁸⁾ in relation to England and Wales;
- (b) section 7(2) of the Charities and Trustee Investment (Scotland) Act 2005⁽⁹⁾ in relation to Scotland;
- (c) section 2 of the Charities Act (Northern Ireland) 2008⁽¹⁰⁾ in relation to Northern Ireland;

“charge” and “charging” have the meanings given in Part 11;

“Chief inspector” means the Chief inspector constituted under regulation 8(3) of the Pollution Prevention and Control Regulations (Northern Ireland) 2003⁽¹¹⁾;

“civil penalty” means a penalty which may be imposed under Part 14;

“Community tradeable emissions allowances” has the meaning given by Article 3a of the EU ETS Directive;

“compliance account” means the account of a participant from which allowances must be surrendered to the cancellation account in compliance with article 53;

“core emissions” has the meaning given by article 42(3);

“core supply” means a supply of electricity or gas described in Schedule 2;

“CRC” means carbon reduction commitment;

“CRC emissions” has the meaning given by article 50(1);

“CRC supplies” has the meaning given by article 50(2);

“day” means a working day unless provided to the contrary;

“daily meter” applies in relation to a supply of gas and has the meaning given by paragraph 7 of Schedule 2;

“domestic accommodation” has the meaning given by paragraph 16(3) of Schedule 1;

“dynamic supply” means a supply of electricity described in paragraph 5 of Schedule 2;

(5) 1986 c. 44. Section 48(1) is subject to various amendments.

(6) S.I. 1996/275 (N.I. 2).

(7) 2000 c. 17.

(8) 2006 c. 50.

(9) 2005 asp 10.

(10) 2008 c. 12.

(11) S.R. (NI) 2003 No 46, amended by S.I. 2003/496 and 2003/3311; there is another amending instrument which is not relevant.

“early action” has the meaning given by paragraph 5(2) of Schedule 8;

“electricity generating credit” has the meaning given by article 31(2) but where it applies other than in Part 3, reference to “applicant” in that expression is to be read as a reference to “participant”;

“enforcement notice” has the meaning given by article 91;

“EU ETS Directive” means Directive [2003/87/EC](#) of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive [96/61/EC](#)(**12**), as amended from time to time;

“EU ETS emissions” has the meanings given by paragraph 12(2) of Schedule 5;

“EU ETS installation” means—

- (a) an activity or installation within scope of the EU ETS Directive; and
- (b) any additional activity not included within Annex I of that Directive but approved in the United Kingdom under Article 24,

but not an installation approved as excluded in the United Kingdom under Article 27;

“exemption CCA target period” has the meaning given by article 29;

“footprint emissions” has the meaning given by article 41;

“footprint report” has the meaning given by article 39(1)(a);

“footprint year” means the first year of each phase;

“franchise” and the related expressions, “franchise agreement”, “franchise premises”, “franchisee” and “franchisor” have the meanings given in section 3 of Schedule 1;

“fuel” has the meaning given by paragraph 3(3) of Schedule 1;

“general CCA exemption” has the meaning given by article 33;

“generated and supplied electricity” has the meaning given by article 31(1)(d);

“government decision” has the meaning given by paragraph 14 of Schedule 3;

“group” has the meaning given by—

- (a) paragraph 6 of Schedule 3, in respect of public bodies;
- (b) paragraph 1 of Schedule 4, in respect of undertakings;

“group CCA exemption” has the meaning given by article 34;

“group undertaking” has the meaning given by paragraph 1 of Schedule 4;

“highest parent undertaking” has the meaning given by paragraph 1 of Schedule 4;

“hourly meter” applies in relation to a supply of gas and has the meaning given by paragraph 8(1) of Schedule 2;

“independent college group” has the meaning given by article 21(1)(b)(ii);

“kWh” means kilowatt hour or hours;

“local authority decision” has the meaning given by paragraph 16 of Schedule 3;

“member CCA exemption” has the meaning given by article 32;

“MWh” means megawatt hour or hours;

“non-settled half hourly meter” applies in relation to a supply of electricity and has the meaning given by paragraph 3(1) of Schedule 2;

(12) OJ No L 275, 25.10.03, p. 32. The Directive was amended by: Directive [2004/101/EC](#) (OJ No L 338, 13.11.2004, p. 18); Directive [2008/101/EC](#) (OJ No L 8, 13.1.2009, p. 3); Regulation (EC) [No 219/2009](#) (OJ No L 87, 31.3.2009, p. 109); Directive [2009/29/EC](#) (OJ No L 140, 5.6.2009, p. 63).

“participant” means the following registered by the administrator as a participant—

- (a) a public body or group of public bodies; or
- (b) an undertaking or group of undertakings,

which carries out a scheme activity; and where a participant is a group, subject to Schedule 6, the participant constitutes the members from time to time of that group;

“performance table” has the meaning given by article 77(1);

“phase” means one of the seven phases of the scheme described in article 2(1);

“post-qualification period” has the meaning given by article 27;

“premises” means any—

- (a) land, vehicle or vessel; or
- (b) plant which is designed to move or be moved whether on roads or otherwise;

“principal place of activity” means the principal place in the United Kingdom—

- (a) where the applicant or participant carries on the scheme activity applicable to it; or
- (b) if an applicant or participant carries on more than one scheme activity, where it carries on the main scheme activity;

“publication” has the meaning given by article 105(3);

“public function” means any activity carried out by a public body;

“public body” has the meaning given in section 1 of Schedule 3;

“qualification day” means the last day of a qualification year;

“qualification criteria” means that—

- (a) an applicant is supplied with electricity by a settled half hourly meter;
- (b) qualifying electricity is supplied to it for the purposes of a scheme activity; and
- (c) the amount of that qualifying electricity satisfies the qualifying amount;

“qualification year” means—

- (a) in respect of the first phase, the 2008 calendar year;
- (b) in respect of the second and subsequent phases, the year immediately before the beginning of the phase;

“qualifying amount” means 6000 MWh or more;

“qualifying electricity” means electricity supplied to a public body or undertaking in accordance with sections 1 to 5 of Schedule 1—

- (a) measured by a meter described in paragraph 1 of Schedule 2 except a non-domestic meter; or
- (b) which is a dynamic supply;

“the Registry” has the meaning given by article 68;

“relative change” has the meaning given by paragraph 2 of Schedule 8;

“renewables generation” has the meaning given by paragraph 28 of Schedule 1;

“residual measurement list” has the meaning given by article 44(4);

“residual supplies” has the meaning given by article 44(5);

“ROC” means a renewables obligation certificate issued further to an order made under—

- (a) sections 32 to 32M of the Electricity Act 1989⁽¹³⁾; or

(13) 1989 c. 29. Section 32 was substituted by, and sections 32A to 32M added by, section 37 of the Energy Act 2008 (c. 32).

- (b) Articles 52 to 55F of the Energy (Northern Ireland) Order 2003⁽¹⁴⁾;
- “scheme” means the trading scheme established by this Order;
- “scheme activity” means to carry on a business or a public function or an activity which has a charitable purpose;
- “settled half hourly meter” applies in relation to a supply of electricity and has the meaning given by paragraph 2(1) of Schedule 2;
- “significant group undertaking” has the meaning given by paragraphs 2 and 4 of Schedule 4;
- “tCO₂” means tonne or tonnes of carbon dioxide;
- “third party” means a person, other than a participant, for whom the administrator has opened an account in the Registry;
- “total emissions” has the meaning given by article 30;
- “transport consumption” has the meaning given by paragraph 19 of Schedule 1;
- “turnover” means—
- (a) where a participant is an undertaking or group of undertakings, its turnover as defined in section 474(1) of the Companies Act 2006⁽¹⁵⁾ as if that section—
- (i) applied to undertakings as defined in this Order; but
- (ii) did not apply to turnover arising outside the United Kingdom;
- or
- (b) where a participant is a public body or group of public bodies, the revenue expenditure of the participant;
- “undertaking” has the meaning given in paragraph 1 of Schedule 4;
- “unit of turnover” means turnover expressed in pounds sterling rounded up to the nearest pound;
- “vessel” means, except under paragraph 22 of Schedule 1, any boat or ship;
- “working day” means 9 am to 5 pm on Mondays to Fridays excluding—
- (a) bank holidays within the meaning of section 1 of the Banking and Financial Dealings Act 1971⁽¹⁶⁾, including those bank holidays in part only of the United Kingdom;
- (b) Good Friday; and
- (c) when it falls on a day that would otherwise be a working day, Christmas Day;
- “year” means (except for the qualification year in respect of the first phase) 1st April to the following 31st March, inclusive of those dates.

⁽¹⁴⁾ S.I. 2003/419 (N.I. 6); Articles 52 to 55F were substituted by the Energy (Amendment) Order (Northern Ireland) 2009 (S.R. (NI) 2009 No 35).

⁽¹⁵⁾ 2006 c. 46.

⁽¹⁶⁾ 1971 c. 80.