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DRAFT STATUTORY INSTRUMENTS

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**2013 No. 0000**

**CLIMATE CHANGE**

**The CRC Energy Efficiency Scheme Order 2013**

*Made - - - - - \*\*\* 2013*

*Coming into force in accordance with article 1*

**THE CRC ENERGY EFFICIENCY SCHEME ORDER 2013**

PART 1

CHAPTER 1

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2. The trading scheme: phases and application
3. Interpretation
4. Supplies and emissions
5. Registration and requirements of participants and others
6. Powers and duties of the administrator
7. Penalties, offences, appeals, revocations, continuing effect and amendments
8. Groups: liability to comply with this Order

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13. Registration and certificates

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16. Public bodies: applications by groups
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18. Determinations by the administrator

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4. Self-supply of electricity by generators, transmitters, distributors and authorised suppliers
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10. Supplies to trustees in relation to trust premises
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20. Emergency and temporary accommodation
21. Transport consumption
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23. Un-metered transport supply: gas
24. Purposes of transport
25. Consumption of gas for purposes other than heating
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4. Public bodies: proprietors of Academies and colleges
5. Public bodies: one public body part of another

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6. Groups and members
7. Bodies corporate
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### SECTION 3

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11. The Scottish Ministers
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13. Northern Ireland departments
14. Government decisions
15. Government decisions: supplies and departments
16. Local authority decisions
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## SCHEDULE 3 — Undertakings and participant equivalents

### *Undertakings and participant equivalents*

1. Undertakings
2. Participant equivalents
3. Participant equivalents: movement between groups during a phase
4. Undertakings or groups of undertakings as participants

## SCHEDULE 4 — Information on registration

1. General
2. Contact information
3. Where the applicant is a group of undertakings—
4. Where the applicant is a group of public bodies, the...
5. The name, postal address, email address and telephone number of...
6. Total supplies of qualifying electricity

## SCHEDULE 5 — Changes to participants

### PART 1 — Public bodies: government

## SECTION 1

*Government departments, Northern Ireland departments, the Scottish Ministers and the Welsh Assembly Government*

1. Application of Part 1
2. Notifications and applications: time to comply and the administrator

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*Creation of new departments*

3. Creation of a new department
4. Creation of a new department: year 1
5. Creation of a new department: year 2
6. Creation of a new department: after year 2
7. Deemed supplies of the new department

## SECTION 3

*Transfers of parts of government departments, Northern Ireland departments, the Scottish Ministers and the Welsh Assembly Government*

8. Transfer of part of a department to another department
9. Transfers: year 1
10. Deemed supplies

## SECTION 4

*Mergers in respect of government departments, Northern Ireland departments, the Scottish Ministers or the Welsh Assembly Government*

11. Mergers of departments

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*Government decisions and separate participation*

12. Government decisions
13. Separate participants: year 1
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    1. Application of Part 2
    2. Notifications and applications: time to comply and the administrator
    3. Mergers of public bodies
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## SECTION 1

*Post-qualification period*

1. Time for applications
2. Participant equivalents leaving a group but not joining another group
3. Joining of a participant or participant equivalent with a non-participant
4. Joining of a participant with another participant
5. Participant equivalents leaving a group and joining another group

## SECTION 2

### *Annual reporting years and post-application periods*

6. Application during annual reporting years and post-application periods
7. Notifications and applications: time to comply and the administrator
8. Determinations
9. Participant equivalents becoming participants
10. Joining of a participant or participant equivalent with a non-participant
11. Joining of a participant as a member of another participant
12. Participant equivalents transferring to another participant
13. Trustees: separate participation

### SCHEDULE 6 — The Registry

1. Setting up accounts
2. Account holders and information
3. Recording of transfers between accounts
4. Updating of accounts
5. Non-compliance accounts and third party accounts

### SCHEDULE 7 — Appeals procedure

## SECTION 1

### *Procedure for appeals against determinations, notices or penalties made or given by the Scottish Environment Protection Agency*

1. The section applies to appeals against determinations, notices or penalties...
2. A person who wishes to appeal to the Scottish Ministers...
3. The appeal body must as soon as is reasonably practicable...
4. An appellant may withdraw an appeal by notifying the appeal...
5. Notice of appeal in accordance with paragraph 2 is to...

## SECTION 2

### *Procedure for appeals against determinations, notices or penalties made or given by the chief inspector or the Department of the Environment*

6. This section applies to appeals against determinations, notices or penalties...
7. A person who wishes to appeal to the Planning Appeals...
8. The appeal body must as soon as is reasonably practicable...
9. An appellant may withdraw an appeal by notifying the appeal...
10. Notice of appeal in accordance with paragraph 7 is to...
11. The appeal body must determine the appeal and paragraphs (1),...
12. The Planning Appeals Commission must determine the process for determining...
13. An appeal under this section must be accompanied by a...

## SECTION 3

### *Procedure for appeals against determinations, notices or penalties made or given by the Welsh Ministers or the Scottish Ministers*

14. This section applies where the appellant is or includes—
15. Where the appellant wishes to appeal to an independent person...



16. (1) Where the appellant is or includes the Natural Resources...
17. (1) Where the appellant is or includes the Scottish Environment...
18. The appeal body may decide an appeal received late.
19. An appellant may withdraw an appeal by notifying the appeal...
20. The appeal body may publicise the appeal where it considers...
21. The Welsh Ministers or the Scottish Ministers as appropriate must...
22. The appeal body may— (a) adopt such procedures as it...
23. On request by the administrator, the appeal body may award...
24. The costs under paragraph 23— (a) are those agreed by...

#### SCHEDULE 8 — Service of documents

1. The provisions of this Schedule apply to the service of...
2. A document must be in writing.
3. Subject to paragraph 5, a document may be served on...
4. For the purposes of paragraph 3, a document is served...
5. A document may be served on an applicant or participant...
6. Except where paragraph 5 applies, if a person to be...
7. For the purposes of paragraph 3, the principal office of...
8. Where— (a) a participant is a group; and

#### SCHEDULE 9 — Amendments to the CRC Energy Efficiency Scheme Order 2010

1. The 2010 Order is amended as follows.
2. In article 3 (interpretation)— (a) for the definition of “allowance”,...
3. For paragraph (a) of article 4 (supplies and emissions), substitute—...
4. In article 5 (registration and requirements of participants and others)—...
5. In article 6(b) (powers and duties of the administrator), substitute—...
6. (1) Article 9 (the administrator) is amended as follows.
7. For article 12 (time for applications), substitute— Time for application...
8. (1) Part 3 (exemptions) is amended as follows.
9. Omit Part 4 (footprint reports and residual measurement lists).
10. (1) Part 5 is amended as follows.
11. (1) Part 6 (allowances and CRC emissions) is amended as...
12. In paragraph (a) of article 58 (records), omit “and section...
13. In article 59 (records: residual measurements lists and public disclosure)  
—...
14. For article 61 (supplies of electricity, gas and fuel under...
15. For Part 10 (achievement and performance tables, publication and verification),...
16. (1) Part 14 (civil penalties) is amended as follows.
17. (1) Schedule 1 (supplies and emissions) is amended as follows....
18. Omit Schedule 2 (core supplies).
19. (1) Schedule 3 is amended as follows.
20. (1) Schedule 5 (information) is amended as follows.
21. (1) Schedule 6 (changes to participants) is amended as follows....
22. Omit Schedule 8 (achievement and performance tables).

Explanatory Note