
DRAFT STATUTORY INSTRUMENTS

2021 No.

The Green Gas Support Scheme Regulations 2021

PART 4

Changes affecting participants

Review of registration following notification of a change in circumstances

- 14.**—(1) This regulation applies where—
- (a) the Authority receives a notification under regulation 10(1)(d), (g) or (l), and
 - (b) regulation 15 (change of producer of biomethane) does not apply.
- (2) On receipt of the notification, the Authority may—
- (a) require the participant to provide such information as the Authority considers necessary to enable the Authority to consider whether a review should be carried out in accordance with this regulation and, if appropriate, to carry out such a review, and
 - (b) review the registration of the participant to which the notification relates to ensure that they continue to meet the requirements under these Regulations.
- (3) No periodic support payment may be made from the date on which the Authority receives the notification until the Authority has notified the participant that—
- (a) it is satisfied that it is not necessary to review the registration of the participant, or
 - (b) it has carried out a review and is satisfied that the participant may continue to be registered.
- (4) Where the Authority is satisfied in accordance with paragraph (3) it must resume payment of periodic support payments in accordance with these Regulations and pay to the participant any periodic support payments withheld in accordance with paragraph (3).

Change of producer of biomethane

- 15.**—(1) This regulation applies where—
- (a) a person begins to use equipment used to produce biomethane (the “new producer”), and
 - (b) a participant (the “original producer”) is receiving periodic support payments for the production of biomethane for injection using that same equipment used to produce biomethane.
- (2) No periodic support payment may be made to the new producer until—
- (a) the new producer has notified the Authority of the change,
 - (b) injection of biomethane produced by the new producer has commenced, and
 - (c) the steps set out in paragraph (4) have been completed.
- (3) On receipt of a notification under paragraph (2)(a), the Authority may require the new producer to provide such information as the Authority considers necessary for the proper administration of the Scheme.

(4) Where the Authority is satisfied that the ongoing participant obligations will continue to be complied with by the new producer, the Authority must (subject to regulation 7 (treatment of grants from public funds) and 32(4) (revocation of registration))—

- (a) update the central register by substituting the name of the new producer, and
- (b) give the new producer a written statement including such of the following information as the Authority considers applicable—
 - (i) the date of registration of the original producer,
 - (ii) the date on which the new producer is added to the central register,
 - (iii) any tariff which applies,
 - (iv) the process and timing for providing meter readings,
 - (v) details of the frequency and timetable for periodic support payments,
 - (vi) the tariff lifetime and tariff end date,
 - (vii) the ongoing participant obligations, and
 - (viii) any conditions attached to the registration of the original producer as a participant.

(5) The Authority may refuse to register a new producer where it considers that one or more of the applicable ongoing participant obligations, or one or more of the conditions attached to the registration of the original producer as a participant, will not be complied with.

(6) Where the new producer is registered—

- (a) the new producer must be paid periodic support payments (calculated from the date of receipt of the notification under paragraph (2) until the tariff end date in accordance with these Regulations), and
- (b) the original producer must not be paid periodic support payments in relation to any biomethane for which payments are made under sub-paragraph (a).

(7) This paragraph applies where, within the period of 12 months beginning with a change of producer, the Authority becomes aware that a new producer is using equipment used to produce biomethane and the original producer is receiving periodic support payments for the production of biomethane for injection using that same equipment used to produce biomethane, and—

- (a) no notification is made in accordance with paragraph (2)(a), or
- (b) any information required under paragraph (3) is not provided to the Authority.

(8) Where paragraph (7) applies, at the end of the period of 12 months specified in that paragraph—

- (a) the Authority must revoke the participant's registration, and
- (b) no further periodic support payments may be made in respect of any biomethane produced using that equipment used to produce biomethane.

(9) The period specified in paragraph (8) may be extended by the Authority where the Authority considers it is just and equitable to do so.

Withdrawal of participant

16.—(1) A participant may notify the Authority that they intend to withdraw from the Scheme.

(2) Notification given under paragraph (1) must state the date on which the participant intends to withdraw from the Scheme (“the withdrawal date”), which must be no earlier than 28 days after the date on which the notification is given.

(3) The participant ceases to be a participant, and ceases to be entitled to the payment of periodic support payments, on the withdrawal date.

(4) The Authority must update the central register by recording that the participant has withdrawn from the Scheme, together with the withdrawal date.