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DRAFT STATUTORY INSTRUMENTS

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**2023 No.**

**The Green Gas Support Scheme  
(Amendment) Regulations 2023**

**Amendment of regulation 51 (former scheme suppliers)**

**8.—(1)** In regulation 51 (former scheme suppliers)—

(a) in paragraph (7)—

(i) in sub-paragraph (a), for “(“the final quarterly levy payment”)” substitute “(the “final quarterly levy payment”);”;

(ii) in sub-paragraph (c)(i) omit “(the “excess amount”);”;

(iii) after sub-paragraph (c) insert—

“(ca) if the payments made by F by way of credit cover exceed the final quarterly levy payment, the excess amount (the “cash excess”),”;

(iv) omit sub-paragraphs (d) and (e);

(b) after paragraph (7), insert—

“(7A) Except where paragraph (7B) applies to F and provided that the final quarterly levy payment is greater than £0, the notice referred to in paragraph (7) must also specify—

(a) the date on which F’s existing credit cover will be drawn down and the amount of that draw down,

(b) whether the draw down will be against payments made, or a letter of credit provided, by F, or both.

(7B) This paragraph applies to F where—

(a) F has complied with the obligations in paragraphs (2) and (3),

(b) if this paragraph did not apply to F the Authority would draw down against a letter of credit provided by F in respect of the whole or part of the final quarterly levy payment, and

(c) the letter of credit provided by F will remain an acceptable letter of credit until the date falling 28 days after the date on which the Authority serves a notice under paragraph (7).

(7C) Where paragraph (7B) applies to F, the notice referred to in paragraph (7) must also specify—

(a) the date on which draw down will be made against payments made by F by way of credit cover and the amount of that draw down (if applicable),

(b) the amount payable in lieu of draw down against F’s letter of credit (the “in lieu amount”), which is the amount that the Authority would draw down against the letter of credit if paragraph (7B) did not apply to F,

(c) that provided F pays to the Authority the in lieu amount and any outstanding amount by the date referred to in paragraph (7)(f)(i), the Authority will not draw down against the letter of credit,

- (d) details of how any payment may be made,
- (e) that where the in lieu amount or outstanding amount, or both, are not paid in full by the date referred to in paragraph (7)(f)(i), the Authority will draw down against the letter of credit, as soon as is reasonably practicable, the amount required to discharge F's final quarterly levy payment or, if the letter of credit is insufficient to discharge F's final quarterly levy payment, the maximum amount specified in the letter of credit.

(7D) Where regulation 43A(2)(f) applies in respect of an amount otherwise payable by or to F under paragraph (8) or (9)—

- (a) paragraph (7)(f) (if otherwise applicable) does not apply;
- (b) the notice referred to in paragraph (7) must also specify that no amount is payable in respect of the cash excess or the outstanding amount,
- (c) this regulation applies as if—
  - (i) for paragraph (7C)(c) there were substituted—
    - “(c) that provided F pays to the Authority the in lieu amount by the date referred to in paragraph (7E), the Authority will not draw down against the letter of credit.”;
  - (ii) for paragraph (7C)(e) there were substituted—
    - “(e) that where the in lieu amount is not paid in full by the date referred to in paragraph (7E), the Authority will draw down against the letter of credit, as soon as is reasonably practicable, an amount required to discharge the in lieu amount.”;

(7E) The date referred to in paragraph (7D)(c)(i) and (ii) is the date—

- (a) 14 days after the date of the notice, or
- (b) the next date on which quarterly levy payments are due under regulation 40, whichever is the earlier.”;

(c) for paragraph (9) substitute—

“(9) Where there is a cash excess, the Authority must pay the cash excess to F as soon as reasonably practicable after the date on which F's existing credit cover is drawn down.”;

(d) after paragraph (9), insert—

“(9A) The Authority must pay to F any interest that has accrued on levy credit payments paid by F whilst in the bank account referred to in regulation 42(4) as soon as reasonably practicable after—

- (a) in relation to interest paid into the bank account before the date on which the Authority serves a notice under paragraph (7), the date on which the Authority serves a notice under paragraph (7),
- (b) in relation to interest paid into the account on or after the date on which the Authority serves a notice under paragraph (7), the date on which the interest is paid into the Authority's bank account.

(9B) Where the final quarterly levy payment would be a de minimis amount if payable by F, the final quarterly levy payment is £0.”.