

Changes to legislation: Finance Act 2000, Paragraph 20A is up to date with all changes known to be in force on or before 01 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 6

CLIMATE CHANGE LEVY

Modifications etc. (not altering text)

- C1** Sch. 6 modified (coming into force in accordance with art. 1 of the amending S.I.) by [The Climate Change Levy \(Suspension of Recycling Exemption\) Order 2011 \(S.I. 2011/1023\)](#), arts. 1, 2, 3
- C1** Sch. 6 modified (retrospective to 26.3.2013) by [Finance Act 2013 \(c. 29\)](#), [Sch. 42 para. 1\(1\)](#)

PART II

TAXABLE SUPPLIES

[^{F1}Exemption: electricity produced in combined heat and power stations

Textual Amendments

- F1** Sch. 6 para. 20A and cross-heading inserted (24.7.2002 with effect as mentioned in [s. 123\(2\)](#) of the amending Act) by [2002 c. 23, s. 123](#); [S.I. 2003/603](#), [art. 2](#)

- 20A (1) A supply of electricity is exempt from the levy chargeable under paragraph 5(1) if—
- (a) the supply is not one that is deemed to be made under paragraph 23(3),
 - (b) the supply is made under a contract that contains a CHP declaration given by the supplier,
 - (c) prescribed conditions are fulfilled, ^{F2}...
 - (d) the supplier, and each other person (if any) who is a generator of any CHP electricity allocated by the supplier to supplies under the contract, has in a written notice given to the Commissioners agreed that he will fulfil those conditions so far as they may apply to him [^{F3}; and
 - (e) the electricity is actually supplied before 1 April 2018.]
- (2) Sub-paragraph (1) does not apply in relation to a supply to a person of electricity produced in a wholly or partly exempt combined heat and power station where the supply is made to that person from the station.
- (3) In this paragraph “CHP declaration” means a declaration that, in each averaging period, the amount of electricity supplied by exempt CHP supplies made by the supplier in the period will not exceed the difference between—
- (a) the total amount of CHP electricity that during that period is either acquired or generated by the supplier, and

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- (b) so much of that total amount as is allocated by the supplier otherwise than to exempt CHP supplies made by him in the period.

In this sub-paragraph “averaging period” has the same meaning as in paragraph 20B; and “exempt CHP supplies” means supplies made on the basis that they are exempt under this paragraph.

- (4) For the purposes of this paragraph and paragraph 20B, electricity is “CHP electricity” if—

- (a) the electricity was—
- (i) produced in a fully exempt combined heat and power station [F⁴before 1 April 2013], or
 - (ii) produced in a partly exempt combined heat and power station [F⁵before 1 April 2013] and originally supplied from the station without causing the limit referred to in paragraph 16(2) to be exceeded,
- (b) the electricity is not renewable source electricity (within the meaning of paragraph 19), and
- (c) prescribed conditions are fulfilled.

- (5) The conditions that may be prescribed under sub-paragraph (1)(c) include, in particular, conditions in connection with—

- (a) the giving of effect to CHP declarations;
- (b) the supply of information;
- (c) the inspection of records and, for that purpose, the production of records in legible form and entry into premises;
- (d) monitoring by the Gas and Electricity Markets Authority, or the Director General of Electricity Supply for Northern Ireland, of the application of provisions of, or made under, this paragraph;
- (e) the doing of things to or by a person authorised by the Authority or the Director General (as well as the doing of things to or by the Authority or the Director General);
- (f) things being done at times or in ways specified by the Authority, the Director General or such an authorised person.

- (6) A condition prescribed under sub-paragraph (1)(c) may be one that is required to be fulfilled throughout a period, including a period ending after the time when a supply whose exemption turns on the fulfilment of the condition is treated as being made.

- (7) The conditions that may be prescribed under sub-paragraph (4)(c) include in particular conditions in connection with any of the matters mentioned in paragraphs (b) to (f) of sub-paragraph (5).

- (8) Each of—

- (a) the Gas and Electricity Markets Authority, and
- (b) the Director General of Electricity Supply for Northern Ireland,

shall supply the Commissioners with such information (whether or not obtained under this paragraph), and otherwise give the Commissioners such co-operation, as the Commissioners may require in connection with the application of this paragraph (whether generally or in relation to any particular case).

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(9) Paragraph 19(10) (disclosure of information) applies in relation to sub-paragraph (8) above as it applies in relation to paragraph 19(8).]

Textual Amendments

- F2** Word in Sch. 6 para. 20A(1) omitted (17.7.2012) by virtue of [Finance Act 2012 \(c. 14\)](#), [Sch. 32 para. 21\(2\)\(a\)](#)
- F3** Sch. 6 para. 20A(1)(e) and word inserted (17.7.2012) by [Finance Act 2012 \(c. 14\)](#), [Sch. 32 para. 21\(2\)\(b\)](#)
- F4** Words in Sch. 6 para. 20A(4)(a)(i) inserted (17.7.2012) by [Finance Act 2012 \(c. 14\)](#), [Sch. 32 para. 21\(3\)\(a\)](#)
- F5** Words in Sch. 6 para. 20A(4)(a)(ii) inserted (17.7.2012) by [Finance Act 2012 \(c. 14\)](#), [Sch. 32 para. 21\(3\)\(b\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- Sch. 6 para. 20A omitted by [2012 c. 14 Sch. 32 para. 22\(2\)\(b\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 6 para. 20A(1A)-(1C) inserted by [2011 c. 11 Sch. 20 para. 2](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 20 omitted (retrospectively) by virtue of 2013 c. 29, Sch. 42 para. 1)
- Sch. 6 para. 101(2)(a)(v) and word inserted by [2011 c. 11 Sch. 20 para. 7\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 20 omitted (retrospectively) by virtue of 2013 c. 29, Sch. 42 para. 1)
- Sch. 6 para. 14(6)-(9) inserted by [2012 c. 14 Sch. 32 para. 4](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 32 Pts. 1, 2 omitted (retrospectively) by virtue of 2013 c. 29, Sch. 42 para. 1)
- Sch. 6 para. 15(3A)-(3D) inserted by [2012 c. 14 Sch. 32 para. 5\(5\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 32 Pts. 1, 2 omitted (retrospectively) by virtue of 2013 c. 29, Sch. 42 para. 1)
- Sch. 6 para. 15(4)(za) inserted by [2012 c. 14 Sch. 32 para. 5\(6\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 32 Pts. 1, 2 omitted (retrospectively) by virtue of 2013 c. 29, Sch. 42 para. 1)
- Sch. 6 para. 15A(1) inserted by [2012 c. 14 Sch. 32 para. 6](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 32 Pts. 1, 2 omitted (retrospectively) by virtue of 2013 c. 29, Sch. 42 para. 1)
- Sch. 6 para. 24(4A)(4B) inserted by [2012 c. 14 Sch. 32 para. 7](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 32 Pts. 1, 2 omitted (retrospectively) by virtue of 2013 c. 29, Sch. 42 para. 1)
- Sch. 6 para. 26(3A) inserted by [2012 c. 14 Sch. 32 para. 8](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 32 Pts. 1, 2 omitted (retrospectively) by virtue of 2013 c. 29, Sch. 42 para. 1)
- Sch. 6 para. 28A and cross-heading inserted by [2012 c. 14 Sch. 32 para. 9](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 32 Pts. 1, 2 omitted (retrospectively) by virtue of 2013 c. 29, Sch. 42 para. 1)
- Sch. 6 para. 29(8) inserted by [2012 c. 14 Sch. 32 para. 10](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 32 Pts. 1, 2 omitted (retrospectively) by virtue of 2013 c. 29, Sch. 42 para. 1)
- Sch. 6 para. 40(4)(5) inserted by [2012 c. 14 Sch. 32 para. 13\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 32 Pts. 1, 2 omitted (retrospectively) by virtue of 2013 c. 29, Sch. 42 para. 1)
- Sch. 6 para. 42A(2A) inserted by [2012 c. 14 Sch. 32 para. 14\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 32 Pts. 1, 2 omitted (retrospectively) by virtue of 2013 c. 29, Sch. 42 para. 1)
- Sch. 6 para. 42A(5A)-(5C) inserted by [2012 c. 14 Sch. 32 para. 14\(6\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 32 Pts. 1, 2 omitted (retrospectively) by virtue of 2013 c. 29, Sch. 42 para. 1)
- Sch. 6 para. 42A(7) substituted by [2012 c. 14 Sch. 32 para. 14\(8\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 32 Pts. 1, 2 omitted (retrospectively) by virtue of 2013 c. 29, Sch. 42 para. 1)

- Sch. 6 para. 6(1A) word substituted by [2012 c. 14 Sch. 32 para. 3\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 32 Pts. 1, 2 omitted (retrospectively) by virtue of 2013 c. 29, Sch. 42 para. 1)
- Sch. 6 para. 42A(6) words inserted by [2012 c. 14 Sch. 32 para. 14\(7\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 32 Pts. 1, 2 omitted (retrospectively) by virtue of 2013 c. 29, Sch. 42 para. 1)
- Sch. 6 para. 42A(2)(a) words substituted by [2012 c. 14 Sch. 32 para. 14\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 32 Pts. 1, 2 omitted (retrospectively) by virtue of 2013 c. 29, Sch. 42 para. 1)
- Sch. 6 para. 42A(5) Table words substituted by [2012 c. 14 Sch. 32 para. 14\(5\) \(a\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 32 Pts. 1, 2 omitted (retrospectively) by virtue of 2013 c. 29, Sch. 42 para. 1)
- Sch. 6 para. 42A(5) Table words substituted by [2012 c. 14 Sch. 32 para. 14\(5\) \(b\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 32 Pts. 1, 2 omitted (retrospectively) by virtue of 2013 c. 29, Sch. 42 para. 1)
- Sch. 6 para. 42A(5) words substituted by [2012 c. 14 Sch. 32 para. 20\(1\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 32 Pts. 1, 2 omitted (retrospectively) by virtue of 2013 c. 29, Sch. 42 para. 1)
- Sch. 6 para. 42A(5) words substituted by [2012 c. 14 Sch. 32 para. 20\(1\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 32 Pts. 1, 2 omitted (retrospectively) by virtue of 2013 c. 29, Sch. 42 para. 1)
- Sch. 6 para. 42A(5) words substituted by [2012 c. 14 Sch. 32 para. 20\(1\)\(c\)](#)