

SCHEDULES

SCHEDULE 6

CLIMATE CHANGE LEVY

PART II

TAXABLE SUPPLIES

Exemption: supplies (other than self-supplies) to electricity producers

- 14 (1) A supply of a taxable commodity to a person is exempt from the levy if—
- (a) the commodity is to be used by that person in producing electricity in a generating station that is neither—
 - (i) a fully exempt combined heat and power station, nor
 - (ii) a partly exempt combined heat and power station,and
 - (b) the supply is not a supply of electricity that is deemed to be made under paragraph 23(3).
- (2) Sub-paragraph (1) does not exempt a supply where the person to whom the supply is made—
- (a) is an exempt unlicensed electricity supplier of a description prescribed by regulations made by the Treasury, and
 - (b) uses the commodity supplied in producing electricity.
- (3) Sub-paragraph (1) does not exempt a supply where the person to whom the supply is made—
- (a) is an auto-generator,
 - (b) uses the commodity supplied in producing electricity, and
 - (c) uses the electricity produced otherwise than in making supplies that are excluded under paragraphs 8 to 10 or exempt under any of paragraphs 11, 12 and 18.
- (4) In this paragraph “exempt unlicensed electricity supplier” means a person—
- (a) to whom an exemption from section 4(1)(c) of the Electricity Act 1989 (persons supplying electricity to premises) has been granted by an order under section 5 of that Act, or
 - (b) to whom an exemption from Article 8(1)(c) of the Electricity Supply (Northern Ireland) Order 1992 has been granted by an order under Article 9 of that Order,
- except where he is acting otherwise than for purposes connected with the carrying on of activities authorised by the exemption.
- (5) Sub-paragraph (4) applies subject to—

Status: This is the original version (as it was originally enacted).

- (a) any direction under paragraph 151(1), and
- (b) any regulations under paragraph 151(2).

Exemption: supplies (other than self-supplies) to combined heat and power stations

- 15 (1) A supply of a taxable commodity to a person is exempt from the levy if—
- (a) the commodity is to be used by that person in—
 - (i) a fully exempt combined heat and power station, or
 - (ii) a partly exempt combined heat and power station,
 in producing any outputs of the station, and
 - (b) the supply is not a supply of electricity that is deemed to be made under paragraph 23(3).

For this purpose “outputs” has the meaning given by paragraph 148(9).

- (2) Where—
- (a) a supply of a taxable commodity to a person would (apart from this sub-paragraph) be exempted in full by sub-paragraph (1), and
 - (b) at the time the supply is made, the efficiency percentage for the combined heat and power station in which the commodity is to be used by that person is less than the threshold efficiency percentage for the station,
- sub-paragraph (1) only exempts the relevant fraction of the supply.
- (3) For the purposes of sub-paragraph (2), the “relevant fraction” of a supply of a taxable commodity that is to be used in a combined heat and power station is the fraction—
- (a) whose numerator is the efficiency percentage for the station at the time the supply is made, and
 - (b) whose denominator is the threshold efficiency percentage for the station at that time.
- (4) For the purposes of this paragraph—
- (a) the “threshold efficiency percentage” for a combined heat and power station is the percentage set as the threshold efficiency percentage for the station by regulations made by the Treasury;
 - (b) the “efficiency percentage” for a combined heat and power station is the percentage stated as the efficiency percentage for the station in a certificate in force in respect of the station under paragraph 148 (certificate given by Secretary of State that station is fully or partly exempt).
- (5) Paragraph 149 confers power to make provision by regulations for determining the efficiency percentage to be stated in a certificate under paragraph 148.