
STATUTORY INSTRUMENTS

2001 No. 1139

The Climate Change Agreements (Energy-intensive Installations) Regulations 2001

Amendment of paragraph 51 of Schedule 6 to the Finance Act 2000

2.—(1) Paragraph 51 of Schedule 6 to the Finance Act 2000 (Energy-intensive installations) has effect subject to the following amendments.

(2) For sub-paragraph (2) substitute—

“(2) Sub-paragraph (2A) applies where—

- (a) an installation falls within any one or more of those descriptions, and
- (b) there is, on the same site as the installation, a location at which ancillary activities are carried out.

(2A) The installation (taken alone) is not covered by this paragraph, but the combination—

- (a) of the installation and that location, or
- (b) where there is more than one such location, of the installation and all of those locations,

is to be taken as being an installation covered by this paragraph.

(2B) In sub-paragraph (2) “ancillary activities” means activities that—

- (a) are directly associated with any of the primary activities carried out in the installation,
- (b) have a technical connection with those primary activities, and
- (c) could have an effect on environmental pollution.”

(3) In sub-paragraph (3), for “sub-paragraphs (1) and (2)” substitute “sub-paragraphs (1) to (2B)”.

(4) Omit sub-paragraphs (4) and (5).

(5) In sub-paragraph (6), for “sub-paragraph (4)” substitute “sub-paragraph (2B)”.

(6) In the Table, for entries 1 to 33 (and the italic cross-headings) there is substituted—

“Installations regulated under the Pollution Prevention and Control (England and Wales) Regulations 2000 (S.I.2000/1973)

1. Part A installations.

Installations that would be so regulated but for a threshold or exception

2. Installations that would be Part A installations but for—

- (a) a relevant numeric threshold, or
- (b) a relevant exception.

Installations that would be so regulated if certain modifications were made to the Regulations

3. Installations that would be Part A installations if the relevant modifications were made.

Corresponding installations in Scotland and Northern Ireland

4. Installations that are situated in Scotland or Northern Ireland, but if situated in England and Wales—

- (a) would be Part A installations,
- (b) would be Part A installations but for—
 - (i) a relevant numeric threshold, or
 - (ii) a relevant exception, or
- (c) would be Part A installations if the relevant modifications were made.

Interpretation of entries 1 to 4

5.—(1) In this entry “the Schedule” means Schedule 1 to the Pollution Prevention and Control (England and Wales) Regulations 2000⁽¹⁾.

(2) In entries 1 to 4—

- (a) “Part A installation” has the meaning given in Part 3 of the Schedule;
- (b) “relevant exception” means—
 - (i) the exception in paragraph (b)(i) of Part A(1) of Section 2.1 of Part 1 of the Schedule,
 - (ii) the exceptions in paragraph (c) of Part A(1) of Section 5.1 of Part 1 of the Schedule for activities falling within Part B of that Section and for the incineration of specified hazardous waste in an exempt incineration plant, or
 - (iii) the exception in paragraph (e) of Part A(1) of Section 5.1 of Part 1 of the Schedule for incineration as part of a Part B activity in so far as this exception relates to the activities referred to in paragraphs (a) and (b) of Part B of that Section;
- (c) “the relevant modifications” means the omission of the following provisions of Part 1 of the Schedule:
 - (i) the final twelve words of paragraph (b) of Part A(1) of Section 4.4;
 - (ii) the final twelve words of paragraph (b) of Part A(1) of Section 4.5;
 - (iii) paragraph 1 of the Interpretation of Part A(1) of Section 5.4;
 - (iv) the final fourteen words of paragraph (c) of Part A(1) of Section 6.1;
 - (v) the final fourteen words of paragraph (c) of Part A(1) of Section 6.4; and
 - (vi) the final fourteen words of paragraph (f)(ii) of Part A(1) of Section 6.8; and
- (d) “relevant numeric threshold” means a numeric threshold specified in any of the following provisions of Part 1 of the Schedule:
 - (i) paragraphs (c) and (d) of Part A(1) of Section 2.1;
 - (ii) Part A(2) of Section 2.1;
 - (iii) paragraph (b) of Part A(1) of Section 2.2;

(1) S.I. 2000/1973, relevant amendments were made by S.I. 2001/503.

- (iv) Part A(1) of Section 2.3;
- (v) paragraph (b) of Part A(1) of Section 3.1;
- (vi) paragraph (b) of Part A(2) of Section 3.1;
- (vii) paragraph (b) of Part A(1) of Section 3.3;
- (viii) Part A(2) of Section 3.3;
- (ix) paragraph (a) of Part A(1) of Section 3.4;
- (x) Part A(2) of Section 3.6;
- (xi) paragraphs (c) and (d) of Part A(1) of Section 4.1;
- (xii) paragraphs (d) and (e) of Part A(1) of Section 5.1;
- (xiii) Part A(1) of Section 5.2;
- (xiv) Part A(1) of Section 5.3;
- (xv) paragraph (c) of Part A(1) of Section 5.4;
- (xvi) paragraph (b) of Part A(1) of Section 6.1;
- (xvii) Part A(1) of Section 6.3;
- (xviii) paragraphs (a) and (b) of Part A(1) of Section 6.4;
- (xix) Part A(2) of Section 6.4;
- (xx) Part A(2) of Section 6.7;
- (xxi) paragraphs (a) to (e) of Part A(1) of Section 6.8;
- (xxii) Part A(2) of Section 6.8; and
- (xxiii) Part A(1) of Section 6.9; and
- (e) any reference to a part of the United Kingdom includes the territorial waters adjacent to that part.”