

## SCHEDULE 1

### Supplies and emissions

#### SECTION 1

##### *Electricity, gas and fuels: general*

### **Fuels**

**3.**—(1) Subject to sub-paragraph (2) and section 3, a public body or undertaking (“A”) is supplied with fuel by a person (“B”) where—

- (a) A agrees with B that B will supply fuel to A and that A will pay B for that supply; and
- (b) A receives a supply further to that agreement.

(2) No supply of fuel is made under sub-paragraph (1) where that fuel is supplied under paragraph 2.

(3) A supply is made to A—

- (a) at the time the supply is delivered to A; or
- (b) if later, at the time that B provides written confirmation to A of the delivery.

(4) In this paragraph—

“fuel” means any of the fuels listed in column 1 of the table in paragraph 4 (“fuels table”);

“waste” (including in “waste oil” and “waste solvents” in that table)—

- (a) has the meaning given in section 75(2) of the Environmental Protection Act 1990<sup>(1)</sup>; but
- (b) excludes—
  - (i) any other fuel (except waste oil or waste solvents);
  - (ii) biomass; or
  - (iii) gas derived from a landfill site or produced from the treatment of sewage.

(5) In sub-paragraph (4), “biomass” has the same meaning it has under article 4 of the Renewables Obligation Order 2009<sup>(2)</sup> and as if that article applied in Scotland and Northern Ireland.

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(1) 1990 c. 43. Section 75(2) was amended by section 120(1) of and paragraph 88(1) and (2) of Schedule 22 to the Environment Act 1995 (c. 25) under which the definition of “waste” was inserted. There are other amendments to that section which are not relevant.

(2) S.I. 2009/785.