

STATUTORY INSTRUMENTS

**2018 No. 1336**

**EXITING THE EUROPEAN UNION  
CLIMATE CHANGE**

**The CRC Energy Efficiency Scheme  
(Amendment) (EU Exit) Regulations 2018**

*Sift requirements satisfied* 6th December 2018

*Made* - - - - 11th December 2018

*Laid before Parliament* 13th December 2018

*Coming into force in accordance with regulation 1*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 <sup>M1</sup>.

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

**Marginal Citations**

**M1** 2018 c. 16.

**Citation and commencement**

1. These Regulations may be cited as the CRC Energy Efficiency Scheme (Amendment) (EU Exit) Regulations 2018 and come into force on exit day.

**Commencement Information**

**II** Reg. 1 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

**Amendment of the CRC Energy Efficiency Scheme Order 2013**

2.—(1) The CRC Energy Efficiency Scheme Order 2013 <sup>M2</sup> (as it continues to have effect under article 3 of the CRC Energy Efficiency Scheme (Revocation and Savings) Order 2018 <sup>M3</sup>) is amended as follows.

- (2) In Schedule 1—
- (a) for paragraph 16(3A) substitute—
- “(3A) Sub-paragraph (2) does not apply where—
- (a) the unconsumed supply is consumed by B—
- (i) before [<sup>F1</sup>IP completion day], on the premises occupied by B to operate an EU ETS installation;
- (ii) on or after [<sup>F1</sup>IP completion day], on the premises occupied by B in circumstances which, had that supply been consumed before [<sup>F1</sup>IP completion day], would have been treated as falling within sub-paragraph (i);
- (b) the unconsumed supply is consumed by B on the premises occupied by B to operate a CCA facility;
- (c) the unconsumed supply is consumed by B on the premises occupied by B to operate a metallurgical process; or
- (d) the unconsumed supply is consumed by B on the premises occupied by B to operate a mineralogical process.”;
- (b) for paragraph 28(1), substitute—
- “(1) Subject to sub-paragraph (2), A is not supplied with electricity or gas to the extent that supply is consumed by A—
- (a) before [<sup>F2</sup>IP completion day] for the purposes of operating an EU ETS installation; or
- (b) on or after [<sup>F2</sup>IP completion day] in circumstances which, had that supply been consumed before [<sup>F2</sup>IP completion day], would have been treated as being for the purposes of operating an EU ETS installation.”;
- (c) in paragraph 29A(5) <sup>M4</sup>, after “NACE Revision 2”, insert “ as it applied immediately before [<sup>F3</sup>IP completion day] ”.

#### Textual Amendments

- F1** Words in [reg. 2\(2\)\(a\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Climate Change Agreements, CRC Energy Efficiency Scheme and Energy Savings Opportunity Scheme \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/711\)](#), regs. 1(2), **3(2)(a)**
- F2** Words in [reg. 2\(2\)\(b\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Climate Change Agreements, CRC Energy Efficiency Scheme and Energy Savings Opportunity Scheme \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/711\)](#), regs. 1(2), **3(2)(b)**
- F3** Words in [reg. 2\(2\)\(c\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Climate Change Agreements, CRC Energy Efficiency Scheme and Energy Savings Opportunity Scheme \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/711\)](#), regs. 1(2), **3(2)(c)**

#### Commencement Information

- I2** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

#### Marginal Citations

- M2** [S.I. 2013/1119](#), as amended by [S.I. 2013/1773](#), [2014/502](#), [2015/664](#) and [2018/841](#) and modified by section 4(4)(a) of the [Wales Act 2014 \(c. 29\)](#). The Order was revoked with savings on 1st October 2018 by [S.I. 2018/841](#).

**M3** [S.I. 2018/841](#).

**M4** Paragraph 29A was inserted by [S.I. 2014/502](#).

Signed by authority of the Secretary of State for Business, Energy and Industrial Strategy.

Department for Business, Energy and Industrial  
Strategy

*Claire Perry*  
Minister of State for Energy and Clean Growth

**Changes to legislation:** There are currently no known outstanding effects for the The CRC Energy Efficiency Scheme (Amendment) (EU Exit) Regulations 2018. (See end of Document for details)

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under paragraphs (d) and (g) of section 8(2)) arising from the withdrawal of the UK from the European Union.

These Regulations make amendments to legislation relating to the CRC Energy Efficiency Scheme in the CRC Energy Efficiency Scheme Order 2013 (S.I. 2013/1119) as saved with amendments by the CRC Energy Efficiency Scheme (Revocation and Savings) Order 2018 (S.I. 2018/841) and, in particular, provide for the continuation after exit day of exemptions applicable immediately before exit day.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

**Changes to legislation:**

There are currently no known outstanding effects for the The CRC Energy Efficiency Scheme (Amendment) (EU Exit) Regulations 2018.