
STATUTORY INSTRUMENTS

2020 No. 1265

The Greenhouse Gas Emissions Trading Scheme Order 2020

PART 1

Preliminary

[^{F1}Meaning of FA installation, etc.

4A.—(1) For the purposes of this Order, an installation is an “FA installation” if the installation is—

- (a) an FA installation for the 2021-2025 allocation period; or
- (b) an FA installation for the 2026-2030 allocation period.

(2) For the purposes of this Order, an installation is an FA installation for the 2021-2025 allocation period from—

- (a) the date of publication of the allocation table for the 2021-2025 allocation period (including an updated allocation table) that first includes an entry for the installation; or
- (b) if earlier, the date on which the regulator gives notice of the final annual amount of allowances to be allocated in respect of the installation for any scheme year in the 2021-2025 allocation period under—
 - (i) article 34H(7) (installations: errors in applications for free allocation, etc.);
[paragraph 4(7) of Schedule 8A (former hospital or small emitters or ultra-small ^{F2}(ia) emitters);]
 - (ii) Article 18a(9) of the Free Allocation Regulation (new entrants);
 - (iii) Article 25(9) of that Regulation (mergers and splits).

(3) An installation ceases to be an FA installation for the 2021-2025 allocation period at the earliest of—

- (a) the end of the 2025 scheme year;
- (b) if the operator of the installation gives a renunciation notice under Article 24 of the Free Allocation Regulation in respect of the installation as a whole, the end of the scheme year in which the renunciation notice is given;
- (c) the date on which, following the partial transfer under paragraph 9 of Schedule 6 of the greenhouse gas emissions permit of an installation that is an FA installation, the regulator gives notice to the transferring operator (within the meaning of that paragraph) under Article 25(9)(b) of the Free Allocation Regulation that the installation is not an FA installation for the 2021-2025 allocation period;
- (d) if the installation's permit is surrendered under paragraph 11(1) of Schedule 6 or revoked under paragraph 12(1) of that Schedule, the end of the scheme year in which the installation ceases operation;

- (e) if the installation's permit is surrendered under paragraph 11(2) of Schedule 6 or revoked under paragraph 12(3) of that Schedule, the end of the scheme year in which the surrender or revocation takes effect;
 - (f) the date on which, following the inclusion of an entry for the installation in the allocation table for the 2021-2025 allocation period in error, the regulator gives notice to the operator under article 34H(7)(c) that the installation is not an FA installation for the 2021-2025 allocation period.
- (4) For the purposes of this Order, an installation is an FA installation for the 2026-2030 allocation period from [^{F3}the earliest of the following]—
- (a) the date of publication of the allocation table for the 2026-2030 allocation period (including an updated allocation table) that first includes an entry for the installation; ^{F4}...
[where an application for free allocation in the 2026-2030 allocation period is made in ^{F5}(aa) respect of the installation under Article 4 of the Free Allocation Regulation, 1st January 2026 unless—
 - (i) before that date, the regulator gives notice to the operator under Article 15a(5) of the Free Allocation Regulation that the application is not valid; or
 - (ii) the installation is included in the hospital and small emitter list for 2026-2030 or the ultra-small emitter list for 2026-2030;]
 - (b) ^{F6}... the date on which the regulator gives notice of the final annual amount of allowances to be allocated in respect of the installation for any scheme year in the 2026-2030 allocation period under—
 - (i) article 34H(7) (installations: errors in applications for free allocation, etc.);
[paragraph 4(7) of Schedule 8A (former hospital or small emitters or ultra-small ^{F7}(ia) emitters);]
 - (ii) Article 18a(9) of the Free Allocation Regulation (new entrants);
 - (iii) Article 25(9) of that Regulation (mergers and splits).
- (5) An installation ceases to be an FA installation for the 2026-2030 allocation period at the earliest of—
- (a) the end of the 2030 scheme year;
 - (b) if the operator of the installation gives a renunciation notice under Article 24 of the Free Allocation Regulation on or after 1st January 2025 in respect of the installation as a whole, the end of the scheme year in which the renunciation notice is given;
 - (c) the date on which, following the partial transfer under paragraph 9 of Schedule 6 of the greenhouse gas emissions permit of an installation that is a FA installation, the regulator gives notice to the transferring operator (within the meaning of that paragraph) under Article 25(9)(b) of the Free Allocation Regulation that the installation is not an FA installation for the 2026-2030 allocation period;
 - (d) if the installation's permit is surrendered under paragraph 11(1) of Schedule 6 or revoked under paragraph 12(1) of that Schedule, the end of the scheme year in which the installation ceases operation;
 - (e) if the installation's permit is surrendered under paragraph 11(2) of Schedule 6 or revoked under paragraph 12(3) of that Schedule, the end of the scheme year in which the surrender or revocation takes effect;
 - (f) the date on which, following the inclusion of an entry for the installation in the allocation table for the 2026-2030 allocation period in error, the regulator gives notice to the operator

under article 34H(7)(c) that the installation is not an FA installation for the 2026-2030 allocation period.

[where the installation is an FA installation for the 2026-2030 allocation period by virtue of ^{F8}(g) paragraph (4)(aa), the date (if any) on which the regulator gives notice to the operator under Article 15a(5) of the Free Allocation Regulation that the application for free allocation is not valid.]]

Textual Amendments

- F1** Art. 4A inserted (31.12.2020) by [The Greenhouse Gas Emissions Trading Scheme \(Amendment\) Order 2020 \(S.I. 2020/1557\)](#), arts. 2(1), **6**
- F2** Art. 4A(2)(b)(ia) inserted (7.2.2022) by [The Greenhouse Gas Emissions Trading Scheme \(Amendment\) Order 2021 \(S.I. 2021/1455\)](#), arts. 2, **6(2)**
- F3** Words in art. 4A(4) inserted (31.3.2024) by [The Greenhouse Gas Emissions Trading Scheme \(Amendment\) Order 2024 \(S.I. 2024/192\)](#), arts. 2, **5(2)(a)**
- F4** Word in art. 4A(4)(a) omitted (31.3.2024) by virtue of [The Greenhouse Gas Emissions Trading Scheme \(Amendment\) Order 2024 \(S.I. 2024/192\)](#), arts. 2, **5(2)(b)**
- F5** Art. 4A(4)(aa) inserted (31.3.2024) by [The Greenhouse Gas Emissions Trading Scheme \(Amendment\) Order 2024 \(S.I. 2024/192\)](#), arts. 2, **5(2)(c)**
- F6** Words in art. 4A(4)(b) omitted (31.3.2024) by virtue of [The Greenhouse Gas Emissions Trading Scheme \(Amendment\) Order 2024 \(S.I. 2024/192\)](#), arts. 2, **5(2)(d)**
- F7** Art. 4A(4)(b)(ia) inserted (7.2.2022) by [The Greenhouse Gas Emissions Trading Scheme \(Amendment\) Order 2021 \(S.I. 2021/1455\)](#), arts. 2, **6(3)**
- F8** Art. 4A(5)(g) inserted (31.3.2024) by [The Greenhouse Gas Emissions Trading Scheme \(Amendment\) Order 2024 \(S.I. 2024/192\)](#), arts. 2, **5(3)**

Changes to legislation:

There are currently no known outstanding effects for the The Greenhouse Gas Emissions Trading Scheme Order 2020, Section 4A.