
STATUTORY INSTRUMENTS

2023 No. 1317

**The Green Gas Support Scheme
(Amendment) Regulations 2023**

Insertion of regulation 43A

7. After regulation 43 (letters of credit) insert—

“De minimis

43A.—(1) A “de minimis amount” means—

- (a) an amount payable under these Regulations, or
- (b) a scheme supplier’s credit cover requirement for a quarter under regulation 41,

which does not exceed the amount specified by the Secretary of State (the “de minimis threshold”) for the scheme year in which the amount becomes payable or the quarter referred to in sub-paragraph (b) falls.

(2) Where but for this paragraph an amount payable or a credit cover requirement under the following regulations would be a de minimis amount, no amount is payable or the credit cover requirement is £0 (as applicable)—

- (a) regulation 40(1),
- (b) regulation 41(1) or (2)(b),
- (c) regulation 44(1),
- (d) regulation 45(2)(a),
- (e) regulation 49(2),
- (f) regulation 51(8), (9), (9A)(a) or (b),
- (g) regulation 56(7),
- (h) regulation 56(10).

(3) For the purposes of determining under paragraph (2) whether an amount otherwise payable under a regulation would be a de minimis amount—

- (a) the amount payable to a scheme supplier under regulation 44(1) is deemed to be the sum of the amounts payable to the supplier under regulation 44(1) and regulation 45(2)(a),
- (b) the amount payable to a supplier under regulation 45(2)(a) is deemed to be the sum of the amounts payable to the supplier under regulation 44(1) and regulation 45(2)(a),
- (c) the amount payable to a former scheme supplier under regulation 51(9) is deemed to be the sum of the amounts payable to the supplier under regulation 51(9) and 51(9A)(a),
- (d) the amount payable to a former scheme supplier under regulation 51(9A)(a) is deemed to be the sum of the amounts payable to the supplier under regulation 51(9) and 51(9A)(a).

(4) Any sum which but for paragraph (2)(f) would have been paid by the Authority to a former scheme supplier must be treated by the Authority as if it had been paid to the Authority by the supplier in respect of a final quarterly levy payment.

(5) Where paragraph (2) applies in respect of an amount otherwise payable or a scheme supplier's credit cover requirement and but for this paragraph the Authority would be required to make a notification under the following regulations in respect of the amount or the credit cover requirement, the requirement to make a notification does not apply—

- (a) regulation 40(2),
- (b) except where regulation 42(5) applies, regulation 42(1),
- (c) regulation 49(2),
- (d) regulation 56(5)(b).

(6) Where paragraph (5) applies, the Authority may make such alternative notification as it considers appropriate.

(7) The Secretary of State must by notice publish the de minimis threshold for the scheme year beginning with 1st April 2024 and each subsequent scheme year.

(8) The de minimis threshold for a scheme year must not be more than the amount calculated in accordance with paragraph (9) (the "de minimis maximum").

(9) The de minimis maximum for a scheme year is £200, adjusted by the percentage increase or decrease in the consumer prices index for the period beginning with 1st January 2024 and ending with 31st October immediately preceding the scheme year.

(10) A notice under paragraph (7) must be published by—

- (a) in relation to the de minimis threshold for the scheme year beginning with 1st April 2024, the later of the date falling 14 days after the Green Gas Support Scheme (Amendment) Regulations 2023 come into force and 31st December 2023,
- (b) in relation to the de minimis threshold for the scheme year beginning with 1st April 2025 and each subsequent scheme year, 31st December in the preceding scheme year."