

SCHEDULE 5

Fees And Charges

PART 4

Subsistence Charges

4. Subject to paragraphs 6, 9 and 13 of this Schedule, the charge payable by an operator to the regulator prescribed for the subsistence of a greenhouse gas emissions permit for the financial year 2005/2006 shall be as shown in Table 1 and shall be payable in accordance with paragraph 10 of this Schedule.

Table 1

Charge for the financial year 2005/2006

		<i>Estimated 2005 emissions or, where applicable, the estimated annual specified emissions from the installation to which the greenhouse gas emissions permit relates-</i>		
		<i>less than 50 kilotonnes per year</i>	<i>at least 50 and no more than 500 kilotonnes per year</i>	<i>greater than 500 kilotonnes per year</i>
Charge if on date on which these Regulations enter into force, the total number of installations published by the Secretary of State in accordance with paragraph 7(b) of this Schedule is-	less than 500	£2,540	£3,390	£4,230
	500 to 599	£2,280	£3,050	£3,810
	600 to 699	£2,110	£2,820	£3,520
	700 to 799	£1,990	£2,650	£3,320
	800 to 899	£1,900	£2,530	£3,170
	900 to 999	£1,830	£2,440	£3,050
	1000 to 1099	£1,750	£2,350	£2,900
	1100 to 1199	£1,720	£2,300	£2,870
	1200 or more	£1,690	£2,250	£2,810

5. Subject to paragraphs 6, 9 and 13 of this Schedule, the charges payable by an operator prescribed for the subsistence of a greenhouse gas emissions permit for the financial year 2006/2007

Status: This is the original version (as it was originally made).

and for each subsequent financial year shall be as shown in Table 2 and shall be payable in accordance with paragraph 10 of this Schedule.

Table 2

Charge for the financial year 2006/2007 and subsequent financial years

	<i>Amount of annual specified emissions or, where applicable, estimated annual specified emissions from the installation to which the greenhouse gas emissions permit relates-</i>			
	<i>less than 50 kilotonnes per year</i>	<i>at least 50 and no more than 500 kilotonnes per year</i>	<i>greater than 500 kilotonnes per year</i>	
Charge if on 1 st April of the financial year to which the charge relates, the total number of installations published by the Secretary of State in accordance with paragraph 7(b) of this Schedule is-	less than 500	£2,915	£3,765	£4,605
	500 to 599	£2,553	£3,323	£4,083
	600 to 699	£2,341	£3,051	£3,751
	700 to 799	£2,190	£2,850	£3,520
	800 to 899	£2,076	£2,706	£3,346
	900 to 999	£1,988	£2,598	£3,208
	1000 to 1099	£1,893	£2,493	£3,043
	1100 to 1199	£1,850	£2,430	£3,000
	1200 or more	£1,815	£2,375	£2,935

6. The charge prescribed for the subsistence of a greenhouse gas emissions permit under paragraph 4 or 5 of this Schedule shall not be payable in respect of a greenhouse gas emissions permit relating to—

- (a) an installation which is for the duration of the financial year to which the charge relates an excluded installation;
- (b) a planned installation which is not put into operation during the financial year to which the charge relates; or
- (c) an installation in respect of which a retention notice has been served prior to 1st April in the financial year to which the charge relates and is not revoked during that financial year.

7. Subject to paragraph 8 of this Schedule, the Secretary of State shall before the expiry of a period of 7 days beginning, in relation to the financial year 2005/2006, on the date on which these Regulations enter into force or, in relation to the financial year 2006/2007 and each subsequent financial year, on 1st April 2006 and 1st April in each subsequent financial year—

- (a) calculate the total number of installations on 1st April in that financial year; and
- (b) publish in such manner as she considers appropriate the total number of installations calculated under sub-paragraph (a) and the appropriate charges for the financial year as set out in relation to the financial year 2005/2006 in Table 1 in paragraph 4 of this Schedule or in relation to subsequent financial years, in Table 2 in paragraph 5 of this Schedule.

8. Where on the date of entry into force of these Regulations—

- (a) the Secretary of State has made an application for an installation to be temporarily excluded under Article 27(2) of the Directive and the European Commission has not made a decision determining the application; or
- (b) the date determined in accordance with regulation 11(3) by which an application under regulation 11(1) must be made has not passed (“the application deadline”),

paragraphs 4 and 7 of this Schedule shall apply as if references to the date on which these Regulations enter into force were to the date of the expiry of a period of 7 days beginning on the application deadline or, where the European Commission refuses the application, the date on which the European Commission notifies its decision.

9. Where during a financial year—

- (a) a greenhouse gas emissions permit is granted in relation to an installation under regulation 9(4);
- (b) an installation ceases to be an excluded installation; or
- (c) a planned installation is put into operation,

the charge payable under paragraph 4 or 5 of this Schedule in respect of the subsistence of the greenhouse gas emissions permit relating to the installation for the remainder of that financial year shall be a proportion of the charge shown in relation to the financial year 2005/06, in Table 1 or in relation to the financial year 2006/2007 and subsequent financial years, in Table 2 calculated on a daily basis for the remainder of the financial year commencing on the date of the grant of the greenhouse gas emissions permit, the date on which the installation ceased to be an excluded installation or the planned installation is put into operation, as appropriate.

10. Subject to paragraph 11 of this Schedule—

- (a) the charge prescribed under paragraph 4 of this Schedule shall be payable on the expiry of a period of 28 days beginning on the date on which notice of the estimated 2005 emissions or, where paragraph 9 applies in relation to the installation, the estimated annual specified emissions and the charge is sent by the regulator to the operator;
- (b) the charge prescribed under paragraph 5 of this Schedule shall be payable on the expiry of a period of 28 days beginning on the date on which notice of the charge and, in relation to a charge for a financial year in which paragraph 9 applies in relation to the installation and the following financial year, the estimated annual specified emissions, is sent by the regulator to the operator.

11. The operator of an installation may notify the regulator that it wishes to pay the charges prescribed under paragraphs 4 and 5 of this Schedule in instalments.

12. Where an operator notifies the regulator under paragraph 11—

Status: This is the original version (as it was originally made).

- (a) in the financial year in which the notice is given, the charge shall be payable in equal instalments payable on the first day of each quarter remaining in the financial year or, if later, on the expiry of a period of 28 days beginning on the date on which notice of—
 - (i) in relation to a charge for the financial year 2005/2006, the estimated 2005 emissions or, where paragraph 9 applies in relation to the installation, the estimated annual specified emissions; and
 - (ii) the charge,
- is sent by the regulator to the operator;
- (b) in subsequent financial years, the charge shall be payable in four equal instalments payable on the first day of each quarter in the financial year or, if later, on the expiry of a period of 28 days beginning on the date on which notice of—
 - (i) in relation to a charge for a financial year in which paragraph 9 applies in relation to the installation and the following financial year, the estimated annual specified emissions; and
 - (ii) the charge,

is sent by the regulator to the operator.

13. Where during a financial year a greenhouse gas emissions permit is surrendered under regulation 16 or revoked under regulation 17(1) or the installation to which the permit relates becomes an excluded installation, the regulator shall make a refund to the operator of a proportion of the charge payable under paragraph 4 or 5 of this Schedule in respect of the remainder of that financial year calculated as follows—

- (a) if the charge has been paid for the whole financial year, a refund calculated on a daily basis for the remainder of the financial year commencing on the date on which the notice of surrender or revocation notice takes effect or the date of service of the certificate under regulation 11(6), as appropriate; or
- (b) if the charge has been paid only for the quarter in which the surrender or revocation occurs, a refund calculated on a daily basis for the remainder of that quarter commencing on the date on which the notice of surrender or revocation notice takes effect or the date of service of the certificate under regulation 11(6), as appropriate.

14.—(1) The registry administrator shall within 14 days of the date on which the Secretary of State publishes the total number of installations in accordance with paragraph 7(b), notify the regulator of the element of the charge prescribed under paragraph 4 or 5 which relates to the subsistence of the operator holding account in the registry (“the operator registry charge”).

(2) The regulator shall pass on to the registry administrator any operator registry charge which it receives.

15. For the purposes of this Schedule—

“annual specified emissions” means the annual reportable emissions from the installation in the scheme year which ended in the financial year prior to the financial year to which the charge relates;

“estimated 2005 emissions” means a reasonable estimate, in the opinion of the regulator, of the reportable emissions likely to be emitted from the installation in the calendar year 2005;

“estimated annual specified emissions” means, in relation to a financial year in which paragraph 9 applies in relation to the installation and the following financial year, a reasonable estimate, in the opinion of the regulator of the reportable emissions likely to be emitted from the installation in the year beginning on the date on which the permit is granted, the installation ceases to be an excluded installation or the planned installation is put into operation;

“financial year” means a year beginning on 1st April and ending on 31st March;

“planned installation” means an installation in respect of which an operator has notified the regulator under regulation 13(1);

“quarter” means a three month period beginning with 1st April, 1st July, 1st October and 1st January;

“total number of installations” means the number of installations covered by greenhouse gas emissions permits in the United Kingdom excluding—

- (i) any excluded installations or planned installations;
- (ii) any installation in respect of which a retention notice has been served; and
- (iii) any installations included in the European Commission’s provision for temporary exclusion under Article 27(2) of the Directive which have applied for a certificate of temporary exclusion in accordance with regulation 11(1).