
STATUTORY INSTRUMENTS

2013 No. 3103

The CRC Energy Efficiency Scheme (Allocation of Allowances for Payment) Regulations 2013

PART 3

GENERAL

Fees

8.—(1) The Environment Agency may require the payment of a fee by an account holder who requests the allocation of allowances.

(2) The amount of the fee may not exceed the Environment Agency's reasonable costs of allocating the allowances.

(3) Where the Environment Agency requires the payment of such a fee in relation to an allocation, the Environment Agency must, prior to the allocation, give notice of the amount of the fee to the account holder who has requested the allocation of allowances.

(4) Where an account holder has not paid, in full, a fee notified under this regulation, any outstanding amount is recoverable as a civil debt due to the Environment Agency.

Payments

9.—(1) Payments under these Regulations must be made into a bank account nominated—

- (a) for allowances, by the Secretary of State; and
- (b) for fees under regulation 8, by the Environment Agency.

(2) Payments under these Regulations must be—

- (a) made by electronic transfer from an account with a credit institution;
- (b) accompanied by information which identifies the account holder making the payment; and
- (c) in sterling.

(3) Payment is deemed to have been made for allowances when the Secretary of State receives cleared funds.

(4) Payment is deemed to have been made for fees when the Environment Agency receives cleared funds.

(5) In this regulation “credit institution” means—

- (a) an institution which has permission under Part 4A of the Financial Services and Markets Act 2000⁽¹⁾ to carry on the regulated activity of accepting deposits (within the meaning of section 22 of that Act, taken with Schedule 2 and any order under section 22) or a person authorised to carry on similar activities under the law of a country other than the United Kingdom; or

(1) 2000 c.8. Part 4A was inserted by the Financial Services Act 2012.

- (b) an electronic money institution as defined by article 2 of [Directive 2009/110/EC](#) of the European Parliament and of the Council on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives [2005/60/EC](#) and [2006/48/EC](#) and repealing [Directive 2000/46/EC](#)(2).

Issue of excess allowances

10.—(1) Where it comes to the notice of the Environment Agency that it has issued to an account holder allowances in excess of the number of allowances which have been validly requested and paid for, then as soon as reasonably practicable the Environment Agency must—

- (a) cancel the excess allowances; and
- (b) notify the account holder that the allowances have been cancelled.

(2) Paragraph (1) does not apply where an account holder has sold or otherwise dealt in any excess allowances.

(3) In that event the Environment Agency—

- (a) must not cancel the excess allowances; and
- (b) may require that account holder to pay the amount which would have been payable for the allowances determined in accordance with regulation 7 multiplied by the number of excess allowances.

(4) If payment required under paragraph (3) is not received in full by a date specified by the Environment Agency, any outstanding amount is payable by the participant on demand by the Environment Agency and each member of a group is jointly and severally liable to comply with such a demand.

(5) Any outstanding amount under paragraph (4) is recoverable as a civil debt due to the Environment Agency.

Financial provision

11.—(1) Except for any sums received by the Environment Agency by way of fees pursuant to regulation 8, any sums received by the Environment Agency under or by virtue of these Regulations shall be paid to the Secretary of State.

(2) Any sums received by the Secretary of State under or by virtue of these Regulations shall be paid into the Consolidated Fund.

Notices

12.—(1) Any notice or document to be given under these Regulations by the Environment Agency may be in such form as the Environment Agency thinks fit and may be included as part of any other notice or communication by the Environment Agency to the person in question.

(2) Subject to paragraph (4), a notice or document may be served on or given to a person (which includes a member of an unincorporated association) by—

- (a) delivering it to that person in person;
- (b) leaving it at that person's proper address;
- (c) sending it by post or electronic means to that person's proper address; or
- (d) in the case of an account holder, using such facilities as are provided by the Registry.

(3) For the purposes of paragraph (2), a notice or document is served on or given to a person in the case of—

- (a) a body corporate, where it is served on or given to the director, secretary or clerk of that body;
- (b) a partnership, where it is served on or given to a partner or a person having control or management of the partnership business;
- (c) an unincorporated association, where it is served on or given to a person having management responsibilities in respect of the association.

(4) A notice or document may be served on a person by sending it to the email address provided under paragraph 2, 3(a)(ii) or (b) or 4 of Schedule 4 to the 2013 Order.

(5) Except where paragraph (4) applies, if a person to be served with or given a document has specified an address in the United Kingdom (other than that person's proper address) at which that person or someone on that person's behalf will accept documents of that description, that address must instead be treated as that person's proper address.

(6) For the purposes of paragraph (2), the principal office of a company registered outside the United Kingdom or of a partnership established outside the United Kingdom is its principal office in the United Kingdom.

(7) Where a participant is a group and the Environment Agency gives any communication to the account holder, that communication is made to each member of the group.