

SCHEDULE 6

Permits

PART 2

Greenhouse gas emissions permits and hospital or small emitter permits

Transfer of permits: grant of application

9.—^[F1](1) An application for the transfer or partial transfer of a permit may be granted only if—

- (a) the regulator considers that, from the transfer date, the new operator—
 - (i) will be the operator of the installation;
 - (ii) will be capable of monitoring and reporting the installation’s reportable emissions in accordance with the monitoring and reporting conditions of the permit (including as varied under this paragraph); and
 - (iii) where the application is for the transfer or partial transfer of a greenhouse gas emissions permit of an installation that is an FA installation, will be capable of complying with the free allocation conditions of the permit (including as varied under this paragraph);
- (b) the monitoring plan or the variations referred to in paragraph 8(1)(d) and, in the case of an application for the partial transfer of the permit, the variations referred to in paragraph 8(1)(e) have been approved under the Monitoring and Reporting Regulation 2018 (see paragraph 8(1A)); and
- (c) where the application is for the transfer or partial transfer of a greenhouse gas emissions permit of an installation that is an FA installation, the monitoring methodology plan or the variations referred to in paragraph 8(2)(a) and, in the case of an application for the partial transfer of the permit, the variations referred to in paragraph 8(2)(b) have been approved under the Free Allocation Regulation (see paragraph 8(4)).]

^[F2(1A)] But ^[F3]sub-paragraph (1)(a)(iii) and (c) do not apply] if the application contains a statement by the new operator that the new operator renounces free allocation in respect of the transferred units.]

(2) Where an application for a transfer or a partial transfer is granted, the regulator must give notice of the transfer to—

- (a) the transferring operator; and
 - (b) the new operator.
- (3) Where an application for the partial transfer of a permit is granted—
- (a) the regulator must issue a new greenhouse gas emissions permit (the “new permit”) to the new operator that—
 - (i) sets out that the new permit comes into force on the transfer date;
 - (ii) sets out the transferred activities and the transferred units at which the transferred activities may be carried out;
 - (iii) includes such other provisions as the regulator considers appropriate to take account of the transfer;

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- (b) the regulator may make such corresponding variations under paragraph 6 to the permit (the “original permit”) held by the transferring operator as the regulator considers appropriate to take account of the transfer;
- (c) the new permit comes into force on the transfer date to authorise the transferred activities to be carried out at the transferred units from that date;
- (d) the variations to the original permit have effect from the transfer date (which must be set out in the original permit).

[^{F4}(3A) But if the new operator already holds a permit (the “existing permit”) for an installation that is on the same site as the transferred units, the regulator may, instead of issuing a new greenhouse gas emissions permit to the new operator under sub-paragraph (3), vary the existing permit under paragraph 6 so that it includes such variations as the regulator considers necessary to take account of the transferred units and transferred activities; and if the regulator does so—

- (a) the regulator must make such corresponding variations under paragraph 6 to the permit (the “original permit”) held by the transferring operator as the regulator considers appropriate to take account of the transfer;
 - (b) the variations to the existing permit and the original permit have effect from the transfer date, which must be set out in the existing permit and the original permit.]
- (4) Where an application for the transfer of a permit (other than for a partial transfer) is granted—
- (a) the regulator must vary the permit under paragraph 6 so that it includes—
 - (i) the name and other particulars of the new operator;
 - (ii) the transfer date;
 - (iii) such variations to the monitoring plan as the regulator considers appropriate;
 - (b) the new operator is the holder of the permit as varied from the transfer date.

(5) But if the new operator already holds a permit (the “existing permit”) for an installation that is on the same site as the transferred units, the regulator may, instead of varying the transferring operator’s permit under sub-paragraph (4)—

- (a) vary the existing permit under paragraph 6 so that it includes such variations as the regulator considers necessary to take account of the transferred units and transferred activities; and the variations have effect from the transfer date, which must be set out in the existing permit; and
- (b) by giving notice to the transferring operator, cancel the permit held by the transferring operator so that the permit ceases to authorise regulated activities to be carried out from the transfer date.

[^{F5}(5A) Where a permit is cancelled under sub-paragraph (5)(b), the regulator must give notice to the registry administrator as soon as reasonably practicable.]

(6) In this paragraph, “transfer date” means the date agreed by the transferring operator, the new operator and the regulator as the date on which the transfer or partial transfer to the new operator is to take effect.

Textual Amendments

- F1** Sch. 6 para. 9(1) substituted (7.2.2022) by [The Greenhouse Gas Emissions Trading Scheme \(Amendment\) Order 2021 \(S.I. 2021/1455\)](#), arts. 2, **24(7)(a)**
- F2** Sch. 6 para. 9(1A) inserted (31.12.2020) by [The Greenhouse Gas Emissions Trading Scheme \(Amendment\) Order 2020 \(S.I. 2020/1557\)](#), arts. 2(1), **38(6)(b)**
- F3** Words in Sch. 6 para. 9(1A) substituted (7.2.2022) by [The Greenhouse Gas Emissions Trading Scheme \(Amendment\) Order 2021 \(S.I. 2021/1455\)](#), arts. 2, **24(7)(b)**

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- F4** Sch. 6 para. 9(3A) inserted (7.2.2022) by The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2021 (S.I. 2021/1455), arts. 2, **24(7)(c)**
- F5** Sch. 6 para. 9(5A) inserted (31.12.2020) by The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2020 (S.I. 2020/1557), arts. 2(1), **38(6)(c)**

Commencement Information

- I1** Sch. 6 para. 9 in force at 12.11.2020, see [art. 2\(1\)](#)

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art. 4A(4)(aa) inserted by [S.I. 2024/192 art. 5\(2\)\(c\)](#)
- art. 4A(5)(g) inserted by [S.I. 2024/192 art. 5\(3\)](#)