

## SCHEDULES

### SCHEDULE 4

Section 57

#### APPLICATION AND MODIFICATION OF EMISSIONS LIMIT DUTY

##### *Application of duty: changes to main boilers*

- 1 (1) Regulations under section 57(6)(b) may provide for the emissions limit duty to apply (with or without modifications) in relation to fossil fuel plant in cases where—
  - (a) immediately before the day on which section 57(1) came into force, the electricity generating station in question was the subject of a relevant consent, and
  - (b) on or after that day—
    - (i) any main boiler of the generating station is replaced, or
    - (ii) an additional main boiler is installed for the generating station.
- (2) Regulations made by virtue of this paragraph may, in particular, make different provision in relation to different parts of fossil fuel plant.
- (3) For the purposes of sub-paragraph (1)(a), plant is to be treated as the subject of a relevant consent if, by virtue of a consent or approval granted before section 36 of EA 1989 or Article 39 of the Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1)) came into force, no relevant consent was required in respect of it.

##### *Application of duty: generating stations not exporting to a network*

- 2 Regulations under section 57(6)(b) may provide for the emissions limit duty to apply with modifications (or not to apply) in relation to fossil fuel plant which does not include a network generating station.

##### *Modifications where gasification or CCS plant associated with two or more generating stations*

- 3 (1) Regulations under section 57(6)(b) may provide for the emissions limit duty, or the exemption in section 58, to apply with modifications in cases where—
  - (a) gasification plant or CCS plant is associated with two or more electricity generating stations, and
  - (b) each of those generating stations is the subject of a relevant consent.
- (2) Regulations made by virtue this paragraph may, in particular, provide for—
  - (a) the installed generating capacity of any of those generating stations (or any part of it) to be treated as installed generating capacity of another of those generating stations;
  - (b) any of the emissions from the gasification plant or CCS plant to be treated as emissions from any of the generating stations.

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*Status: This is the original version (as it was originally enacted).*

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*Modifications where carbon capture and storage process used in relation to part of generating station*

- 4 (1) Regulations under section 57(6)(b) may provide for the exemption in section 58 to apply with modifications in cases where the complete CCS system for the fossil fuel plant relates to only part of the generating station.
- (2) For this purpose—
- (a) a complete CCS system relates to part of a generating station if it is a system for capturing some or all of the carbon dioxide (or any substance consisting primarily of carbon dioxide) that is produced by, or in connection with, generation of electricity by that part of the generating station, and
  - (b) “complete CCS system” has the same meaning as in section 58.

*Modifications of emissions limit duty for changes of circumstance during a year*

- 5 Regulations under section 57(6)(b) may modify the emissions limit duty in relation to fossil fuel plant in cases where—
- (a) the generating station is used for the first time, or permanently ceases to be used, for the generation of electricity,
  - (b) any period during which the emissions limit duty does not apply in relation to the plant by virtue of section 58 begins or ends, or
  - (c) the generating station, or any CCS plant comprised in the fossil fuel plant, is altered.