

SCHEDULE 5

Changes to participants

PART 1

Public bodies: government

SECTION 1

*Government departments, Northern Ireland departments,
the Scottish Ministers and the Welsh Assembly Government*

Application of Part 1

1.—(1) Where the changes described in sections 2 to 5 of this Part occur in a year of a phase (“year 1”) in relation to a participant which is or includes—

- (a) a government department or part of it;
- (b) a relevant Northern Ireland department or part of it,

such a participant must comply with the requirements in those sections.

(2) Under sub-paragraph (1)(b), in relation to a relevant Northern Ireland department, reference in paragraphs 7 and 10 to the Secretary of State includes reference to the relevant department.

(3) Where the changes described in sections 3 to 5 occur in year 1 in relation to a participant which is or includes the Scottish Ministers or part of that body, such a participant must comply with the requirements in those sections.

(4) Under sub-paragraph (3), in relation to the Scottish Ministers, reference to—

- (a) the Secretary of State in paragraph 10 includes the Scottish Ministers;
- (b) a department in paragraph 11 includes those Ministers or part of that body.

(5) Where the changes described in section 4 or 5 occur in year 1 in relation to a participant which is or includes the Welsh Assembly Government or part of that body, such a participant must comply with the requirements in those sections.

(6) Under sub-paragraph (5), in relation to the Welsh Assembly Government, reference to a department in paragraph 11 includes the Welsh Assembly Government or part of that body.

Notifications and applications: time to comply and the administrator

2.—(1) A notification or application for registration required under this Part must be made using the Registry and within 3 months of the change occurring.

(2) Subject to receipt of such notification or application for registration, the administrator must amend the information it holds in respect of the relevant participants.

SECTION 2

Creation of new departments

Creation of a new department

3. This section applies where—

Status: This is the original version (as it was originally made).

- (a) from part of a participant (“A”) and part of another participant (“B”), a department (“C”) is created in year 1; and
- (b) A and B continue as participants.

Creation of a new department: year 1

- 4. In year 1—
 - (a) C must—
 - (i) apply for registration as a participant in accordance with article 11; and
 - (ii) comply with Part 5 as if C existed for the whole of year 1;
 - (b) A and B must comply with this Order as if C had not been created.

Creation of a new department: year 2

- 5. In the year after year 1 (“year 2”)—
 - (a) C must comply with Parts 4 and 5 of this Order; and
 - (b) A and B must comply with this Order as if C had not been created.

Creation of a new department: after year 2

- 6. In the years after year 2—
 - (a) C must comply with this Order as applicable to the years after year 2; and
 - (b) A and B must comply with this Order as applicable to the years after year 2 but where A and B do not include C.

Deemed supplies of the new department

- 7.—(1) For the purposes of this section, the Secretary of State may declare in writing that a supply of electricity or gas—
- (a) to A or B is deemed to be a supply to C;
 - (b) to C is deemed to be a supply to A or B.
- (2) A declaration made under sub-paragraph (1) must be provided by the Secretary of State to the administrator as soon as possible.

SECTION 3

Transfers of parts of government departments, Northern Ireland departments, the Scottish Ministers and the Welsh Assembly Government

Transfer of part of a department to another department

- 8. This section applies where from a participant (“D”), a part (“E”) transfers to another participant (“F”) in year 1 (“the transfer”).

Transfers: year 1

- 9. In year 1, D and F must—
 - (a) notify the administrator of—
 - (i) the transfer; and

- (ii) as soon as possible, the percentage of the emissions of D which are attributable to E;
- (b) comply with this Order as if the transfer had not occurred.

Deemed supplies

10.—(1) For the purposes of this section, the Secretary of State may declare in writing that a supply of electricity or gas—

- (a) to D which is attributable to E is deemed to be a supply to F;
- (b) to F which is attributable to E is deemed to be a supply to D.

(2) A declaration made under sub-paragraph (1) must be provided by the Secretary of State to the administrator as soon as possible.

SECTION 4

Mergers in respect of government departments, Northern Ireland departments, the Scottish Ministers or the Welsh Assembly Government

Mergers of departments

11.—(1) Sub-paragraphs (2) to (4) apply where a participant (“G”) merges with another participant (“H”) in year 1 (“the merger”) to form a new department (“J”).

(2) J must notify the administrator of the merger.

(3) J must—

- (a) apply for registration as a participant in accordance with article 11; and
- (b) comply with this Order as if J existed for the whole of year 1.

(4) On the registration of J, the administrator must cancel the registration of G and H for the remainder of the phase.

SECTION 5

Government decisions and separate participation

Government decisions

12. This section applies where a government decision is made in respect of a participant (“K”) that a part of K is a separate participant (“L”).

Separate participants: year 1

13. In year 1,—

(a) L must—

- (i) apply for registration as a participant in accordance with article 11; and
- (ii) comply with Parts 4, 5 and 7 as if L existed for the whole of year 1;

(b) K must comply with this Order as if the government decision had not been made.