

SCHEDULE 3

Article 15

Applications, notices, etc.

PART 1

Applications, notices, etc. submitted to regulators

Submission of applications, notices, etc. to regulators

- 1.—(1) This paragraph applies to an application, notice or report submitted to a regulator under—
 - (a) this Order;
 - (b) a permit;
 - (c) an emissions monitoring plan.
- (2) An application, notice or report—
 - (a) must be in writing; and
 - (b) unless the regulator agrees otherwise in writing, must be made on a form provided by the regulator for that purpose.
- (3) The regulator must set out in the form—
 - (a) the information required by the regulator to determine the application; or
 - (b) the matters required to be included in the notice or report.
- (4) Unless the regulator agrees otherwise in writing—
 - (a) the form must be submitted to the regulator electronically and, if the form specifies an email address for submission, to that address;
 - (b) if the form is provided by the regulator for submission through a website, the form must be submitted through the website and in accordance with any instructions given for completion and submission.
- (5) Unless the information has been provided in a previous application made to the regulator, an application must set out—
 - (a) the name, postal address (including postcode) and telephone number of the applicant;
 - (b) either—
 - (i) an email address for service; or
 - (ii) a postal address (including postcode) in the United Kingdom for service.
- (6) In the case of an application under paragraph 7 of Schedule 6 (transfer of permits), sub-paragraph (5) applies to both the transferring operator and the new operator referred to in that paragraph.
- (7) Subject to sub-paragraphs (8) and (9), an application must be accompanied by the charge for the application set out in the charging scheme published under article 36.
- (8) Where an application is submitted electronically, the charge may be sent to the regulator separately from the application; and in that case, for the purposes of this Order, the application must be treated as not being received by the regulator until the charge is also received.
- (9) Where an application is made to the Secretary of State (including an application submitted electronically), the charge need not be paid until the end of the period of 28 days beginning with the date on which the Secretary of State gives notice to the applicant requesting payment of the charge.
- (10) An application may be withdrawn at any time before it is determined.

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(11) The regulator may, by notice to a person submitting an application, require the applicant to provide such further information specified in the notice, within the period so specified, as the regulator may require to determine the application.

(12) For the purposes of this Order, the application must be treated as being withdrawn if—

- (a) the applicant fails to provide that information before the end of that period (or on or before such later date as may be agreed with the regulator); and
- (b) the regulator gives notice to the applicant that the application is treated as having been withdrawn.

(13) For the purposes of this paragraph, “application” includes any proposed plan required to be submitted with the application.

Determination of applications by regulators

2.—(1) Where an application under this Order is made to a regulator in accordance with the requirements of this Order, the application must be determined by the regulator within—

- (a) the period of 2 months beginning with the date on which the application is received; or
- (b) such longer period as may be agreed in writing with the applicant.

(2) For the purposes of sub-paragraph (1)—

- (a) an application is determined when notice of the determination is given to the applicant by the regulator;
- (b) in calculating the period of 2 months, no account must be taken of any period beginning with the date on which a notice under paragraph 1(11) is given to the applicant and ending with the date on which the applicant provides the information specified in the notice.

(3) Where the regulator fails to determine an application before the end of the period referred to in sub-paragraph (1)—

- (a) the applicant may give to the regulator notice that the applicant treats the application as having been refused; and
- (b) if such notice is given, for the purposes of this Order, the application must be treated as having been refused at the end of that period.

(4) Where the application is an application for a permit or for the transfer of a permit, any permit that is issued or transferred as a result of the application must be attached to the notice under sub-paragraph (2)(a).

(5) This paragraph does not apply to an application under—

- (a) paragraph 5 of Schedule 7 (obtaining hospital or small emitter status for 2026-2030 allocation period);
- (b) paragraph 3 of Schedule 8 (obtaining ultra-small emitter status for 2026-2030 allocation period).

PART 2

Notices, etc. given by regulators, national authorities or UK ETS authority

Service of notices, etc.

3.—(1) This paragraph applies to a notice or direction that must or may be given under this Order by—

- (a) a regulator;
 - (b) a national authority;
 - (c) the UK ETS authority.
- (2) A notice or direction must be in writing.
- (3) A notice or direction may be given to a person in any of the following ways—
- (a) by delivering it to the person;
 - (b) by sending it to a postal or email address provided by the person for the purpose of the service of notices or directions;
 - (c) by leaving it at the person's proper address;
 - (d) by sending it by post or electronic means to the person's proper address;
 - (e) if the person is a body corporate, by giving it to the secretary or clerk of the body in accordance with any of sub-paragraphs (a) to (d);
 - (f) if the person is a partnership, by giving it to a partner or a person having the control or management of the partnership business in accordance with any of sub-paragraphs (a) to (d).
- (4) In this paragraph, "proper address" means—
- (a) in the case of a body corporate—
 - (i) the registered or principal office of the body; or
 - (ii) the email address of the secretary or clerk of the body;
 - (b) in the case of a partnership—
 - (i) the principal office of the partnership; or
 - (ii) the email address of the partner or person having control or management of the partnership business;
 - (c) in any other case, the person's last known address (including an email address).
- (5) For the purposes of sub-paragraph (4), where a body corporate registered outside the United Kingdom or a partnership established outside the United Kingdom has an office in the United Kingdom, the principal office of the body corporate or partnership is its principal office in the United Kingdom.
- (6) For the purposes of sub-paragraph (4)(c), where the person is an aircraft operator, the proper address includes an address derived from information supplied by Eurocontrol.

Service on certain Crown operators

- 4.—**(1) This paragraph applies in relation to an installation operated by a person acting on behalf of—
- (a) the Royal Household;
 - (b) the Duchy of Lancaster; or
 - (c) the Duke of Cornwall or other possessor of the Duchy of Cornwall.
- (2) In relation to the giving of notices or directions under this Order, the following person must be treated as the operator—
- (a) in relation to sub-paragraph (1)(a), the Keeper of the Privy Purse;
 - (b) in relation to sub-paragraph (1)(b), the person appointed by the Chancellor of the Duchy of Lancaster for that purpose;

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- (c) in relation to sub-paragraph (1)(c), the person appointed by the Duke of Cornwall or other possessor of the Duchy of Cornwall for that purpose.