

SCHEDULE 3

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- (10) An application may be withdrawn at any time before it is determined.

Status: This is the original version (as it was originally made).

(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).