
STATUTORY INSTRUMENTS

2021 No. 1335

The Green Gas Support Scheme Regulations 2021

PART 11

Administrative functions of the Authority

Right of review

62.—(1) Any applicant, participant or former participant affected by a decision made by the Authority in exercise of its functions under these Regulations (other than a decision made in accordance with this regulation) may have that decision reviewed by the Authority.

(2) An application for review must be made by notice in such format as the Authority may require and must—

- (a) be received by the Authority within 28 days of the date of receipt of notification of the decision to be reviewed,
- (b) specify the decision which that person wishes to be reviewed,
- (c) specify the grounds upon which the application is made, and
- (d) be signed by or on behalf of the person making the application.

(3) A person who has made an application in accordance with paragraph (2) must provide the Authority with such information and such declarations as the Authority may reasonably request in order to discharge its functions under this regulation, provided any information requested is in that person's possession.

(4) A review under this regulation may not be carried out by any person who was involved in the decision which is being reviewed.

(5) On review the Authority may—

- (a) revoke or vary its decision,
- (b) confirm its decision,
- (c) vary any sanction or condition it has imposed, or
- (d) replace any sanction or condition it has imposed with one or more alternative sanctions or conditions.

(6) Within 21 days of the Authority's decision on a review, it must give a notice to the applicant, participant or former participant (as the case may be), and to any other person who is in the Authority's opinion affected by its decision on the review, setting out its decision with reasons.

Publication of guidance and scheme schedule

63.—(1) The Authority must publish procedural guidance to applicants, participants and scheme suppliers in connection with the administration of the Scheme.

(2) The Authority must publish an administrative timetable (a "scheme schedule")—

- (a) for the period beginning with 1st February 2022 and ending with 31st March 2023, by 1st February 2022,
 - (b) for the scheme year beginning with 1st April 2023 and each subsequent scheme year, by 1st February preceding the start of the scheme year.
- (3) A scheme schedule—
- (a) must set out each date which the Authority is required to specify for the purposes of regulations 38(3)(a)(ii), (10)(b) and (11), 40(2), 45(2)(a) and (b), and 48(3) (a “variable date”), and
 - (b) may set out any other date prescribed in Part 7.
- (4) The Authority may change a variable date in a published scheme schedule and, if it does so, must publish the change at least one month before the change is to take effect.

Provision of information to the Authority etc

64.—(1) Where under these Regulations the Authority requests information or a declaration from an applicant, a participant, a scheme supplier, or a licensed gas supplier who is not a scheme supplier, or where any such person is required to provide information or a declaration to the Authority—

- (a) that information or declaration must be provided within such time and in such manner and form as the Authority may reasonably request and must be accurate to the best of the applicant’s, participant’s, scheme supplier’s or licensed gas supplier’s knowledge and belief, and
- (b) the costs of providing the information are to be borne by that applicant, participant, scheme supplier or licensed gas supplier.

(2) When exercising any functions under these Regulations the Authority may treat any declaration given by an applicant, a participant, a scheme supplier, or a licensed gas supplier who is not a scheme supplier, as conclusive evidence of the matters to which that declaration relates, unless the Authority considers that any such declaration is not accurate.

Reporting obligations

65.—(1) The Authority must provide monthly reports to the Secretary of State, in such manner and form as the Secretary of State may request, containing the following information, as applicable—

- (a) in respect of each participant registered as a producer of biomethane during the period covered by the report—
 - (i) the total amount of periodic support payments made to the participant,
 - (ii) the volume of biomethane produced for injection by the participant, and
 - (iii) sustainability information provided in accordance with regulation 12(6), (7) and (8),
- (b) the names of any applicant, participant, or former participant requesting a review under regulation 62, and
- (c) such other information as the Authority may hold in relation to its functions under these Regulations as the Secretary of State may require.

(2) Each monthly report must cover a calendar month and must be sent to the Secretary of State within seven working days of the end of that month.

(3) The Authority must publish—

- (a) a quarterly report, in respect of each quarter, within one month of the end of the quarter, and
- (b) an annual report, in respect of each scheme year, by 31st July following the end of the scheme year.

(4) Each annual report must contain current information relating to the scheme year covered by the report, and the period beginning with 30th November 2021 and ending with the start of that scheme year, as to—

- (a) the number of participants,
- (b) the volume of biomethane produced for injection by those participants, including any additional biomethane in respect of which those participants are registered,
- (c) the total number and value of periodic support payments made in respect of that biomethane,
- (d) the number of scheme suppliers and, of those, the number who are provisionally exempt scheme suppliers,
- (e) the sum of the quarterly levy payments paid by those scheme suppliers, and
- (f) the number of occurrences of—
 - (i) any scheme supplier failing to pay—
 - (aa) a quarterly levy payment,
 - (bb) a levy credit payment,
 - (cc) a payment of additional credit cover,
 - (dd) a mutualisation payment,
 - (ii) any scheme supplier making a payment mentioned in paragraph (i) after the due date, and the average number of days by which such payments were delayed, and
 - (iii) the Authority—
 - (aa) drawing down credit cover in accordance with regulation 55,
 - (bb) carrying out a mutualisation process.

(5) Each quarterly report must contain current information relating to the quarter covered by the report, and the period beginning with 30th November 2021 and ending with the start of that quarter, as to the matters referred to in paragraph (4)(a) to (e), and may contain such information as to the matters referred to in paragraph (4)(f).

(6) Any data which includes the meter point reference number of a customer of a scheme supplier or a former scheme supplier and which may be, or is required to be, reported or published by or under this regulation, must be reported or published (as the case may be) in anonymised form.

(7) In paragraph (6)—

- (a) “anonymised form” means that the data is in a form calculated to prevent the data from being identified as relating to a particular person or property,
- (b) “customer” in relation to a scheme supplier or a former scheme supplier, means a person who is or has been supplied with gas by that supplier.

Additional information

66. On request by the Secretary of State, the Authority must provide to the Secretary of State in such manner and form and by such date as the Secretary of State may request such additional information as the Authority may hold in relation to the performance of its functions under these Regulations.

Power to use and disclose information

67.—(1) This regulation applies to a person (“P”) who holds relevant information, including where P holds that information as a result of disclosure made in accordance with paragraph (3).

- (2) P may only use relevant information where it is necessary—
 - (a) for the purpose of carrying out a function under these Regulations,
 - (b) for the purpose of monitoring compliance with these Regulations,
 - (c) for a purpose connected with, or otherwise incidental to, a purpose described in sub-paragraph (a) or (b).
- (3) Subject to paragraph (5), P may only disclose relevant information to another person (the “recipient”) where it is necessary for the recipient to have the information—
 - (a) for the purpose of carrying out a function of the recipient under these Regulations,
 - (b) for the purpose of monitoring compliance with these Regulations,
 - (c) for a purpose connected with, or otherwise incidental to, a purpose described in sub-paragraph (a) or (b).
- (4) Disclosure which is authorised by this regulation does not breach—
 - (a) an obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (5) This regulation does not limit the circumstances in which information may otherwise lawfully be disclosed under any other enactment or rule of law.
- (6) For the purposes of this regulation, “relevant information” means information provided by an applicant, a participant, a former participant, a licensed gas supplier, a scheme supplier, or a former scheme supplier in accordance with these Regulations.

Notices

68.—(1) Any notice or notification required to be given or served under these Regulations must be in writing and may be sent by electronic means, including by sending it to an email address provided by the addressee for the purposes of these Regulations.

(2) Any such notice or notification required to be given to or served on an applicant, a participant, a former participant, a scheme supplier, or a former scheme supplier (“P”) may be given or served by—

- (a) delivering or sending it to, or leaving it at—
 - (i) P’s registered office (where applicable),
 - (ii) P’s principal place of activity, or
 - (iii) another address specified by P as their address for service, or
- (b) electronic means, including by sending it to an email address provided by P for the purposes of these Regulations.