
STATUTORY INSTRUMENTS

2021 No. 1335

The Green Gas Support Scheme Regulations 2021

PART 9

Changes affecting scheme suppliers

Former provisionally exempt suppliers

49.—(1) This regulation applies where a scheme supplier (“SS”) was a provisionally exempt supplier in relation to a scheme year, and was notified in accordance with regulation 38(10)(b) or (11) that they are not an exempt supplier in relation to that scheme year.

(2) The Authority must, within 30 days after the day on which the notification in accordance with regulation 38(10)(b) or (11) is given, calculate and notify SS of the amount of levy payment (“backdated levy payment”) SS must make in relation to that scheme year, the date by which that payment must be made, and details of how that payment must be made.

(3) The backdated levy payment must be calculated by the Authority as follows—

$$BP = (M_e \times LR) + (P_m - RP_m)$$

where—

- (a) BP is the backdated levy payment,
- (b) M_e is the sum of SS’s meter point data for each day of that scheme year,
- (c) LR is the levy rate for that scheme year,
- (d) P_m is the sum of any amounts SS would have been required to contribute in any mutualisation processes carried out in accordance with regulation 56 in that scheme year, had they not been a provisionally exempt scheme supplier,
- (e) RP_m is the sum of any amounts SS would have been paid under regulation 56(10) as a result of a late payment by a defaulting scheme supplier in any mutualisation process carried out in accordance with regulation 56 in that scheme year, had they not been a provisionally exempt scheme supplier, calculated as follows—

$$RP_m = \frac{PSU}{PAU} \times PAR$$

where—

- (i) PSU is the mutualisation amount which SS would have been required to pay in respect of the relevant default,
- (ii) PAU is the total amount of mutualisation payments which were required to be paid by all non-defaulting scheme suppliers in respect of the relevant default,
- (iii) PAR is the total amount, including any interest payment, recovered from the defaulting scheme supplier in relation to the relevant default.

(4) For the purposes of paragraph (3), the amount SS would have been required to contribute in any single mutualisation process is calculated as follows—

$$PDA \times \frac{PMPS}{PTMPS}$$

where—

- (a) PDA is the total mutualisation amount in relation to that mutualisation process,
 - (b) PMPS is the sum of the meter point data for SS for each day of the quarter preceding the quarter in which the mutualisation notices were given to scheme suppliers under regulation 56,
 - (c) PTMPS is the sum of the meter point data, for all non-defaulting scheme suppliers apart from SS, for each day of the quarter preceding the quarter in which the mutualisation notices were given to scheme suppliers under regulation 56,
 - (d) meter point data, for the purposes of PMPS and PTMPS, is the meter point data as notified or determined under regulation 48.
- (5) SS must pay any backdated levy payment to the Authority in accordance with the notification referred to in paragraph (2).
- (6) In this regulation, “defaulting scheme supplier” and “non-defaulting scheme supplier” have the meanings given in regulation 56.