
STATUTORY INSTRUMENTS

2021 No. 1335

The Green Gas Support Scheme Regulations 2021

PART 9

Changes affecting scheme suppliers

Exempt suppliers

50.—(1) This regulation applies where a licensed gas supplier (“GS”) was not a provisionally exempt supplier in relation to a scheme year, and is notified in accordance with regulation 38(10)(b) that they are an exempt supplier in relation to that scheme year.

(2) The Authority must, within 30 days after the day on which that notification is given—

- (a) calculate, and notify GS of, the amount of any levy refund payment to which GS is entitled in relation to that scheme year,
- (b) pay the levy refund payment to GS out of funds available to it for the purposes of the Scheme,
- (c) discontinue any compliance or enforcement action under Part 10 in relation to any breach of these Regulations by GS, other than a breach of regulation 38(3) (notification that a supplier is likely to be an exempt supplier) or regulations 46 to 48 (additional obligations on scheme suppliers), which occurred in relation to that scheme year.

(3) The levy refund payment in relation to a scheme year must be calculated by the Authority as follows—

$$RP = (Q + C + M + R + IA) - ID$$

where—

- (a) RP is the amount of the levy refund payment in relation to that scheme year,
- (b) Q is the sum of any quarterly levy payments paid by GS to the Authority in relation to that scheme year in accordance with regulation 40,
- (c) C is the lesser of—
 - (i) the sum of any levy credit payments paid by GS to the Authority in relation to that scheme year in accordance with regulation 42, and
 - (ii) the amount by which GS’s existing credit cover exceeds their credit cover requirement for the quarter in which the levy refund payment is made,
- (d) M is the sum of any mutualisation payments paid by GS to the Authority in relation to that scheme year in accordance with regulation 56, less any amount paid to GS 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,
- (e) R is the sum of any amounts recovered by the Authority from GS in relation to that scheme year under any enforcement notice or penalty notice, or as a result of any civil action, and including any interest so recovered, but excluding any amounts recovered from GS in relation to a breach of regulation 38(3),

- (f) IA is the sum of—
 - (i) any interest accrued on quarterly levy payments paid by GS in relation to that scheme year whilst in the bank account referred to in regulation 40(5), and
 - (ii) any interest accrued on levy credit payments paid by GS in relation to that scheme year whilst in the bank account referred to in regulation 42(4),
 - (g) ID is the sum of any interest distributed by the Authority to GS in accordance with regulation 44 in relation to that scheme year.
- (4) Where the Authority has drawn down GS's existing credit cover against a letter of credit, in accordance with regulation 55, in relation to a scheme year, the Authority must repay the amount drawn down to the person who provided the letter of credit.