
STATUTORY INSTRUMENTS

2021 No. 1335

The Green Gas Support Scheme Regulations 2021

PART 2

Registration of participants and tariff guarantees

Determination of application for registration and the central register

6.—(1) The Authority must maintain a register of participants (the “central register”), and ensure, so far as practicable, that entries in the central register are accurate and up to date.

(2) The Authority may when registering an applicant as a participant attach such conditions as it considers appropriate.

(3) The Authority must specify in the central register the maximum initial capacity in respect of which the participant is registered.

(4) Where the application for registration has, in the Authority’s opinion, been properly made, the Authority must (subject to paragraphs (5) to (7), regulation 7 (treatment of grants from public funds), and regulation 32(4)(b) (revocation of registration))—

- (a) notify the applicant in writing that registration has been successfully completed and that the applicant is a participant in relation to the equipment used to produce the biomethane to which the tariff guarantee applies (“the relevant equipment used to produce biomethane”),
 - (b) enter the date of registration, the participant’s name, and a description of the relevant equipment used to produce biomethane, on the central register,
 - (c) notify the applicant of any conditions attached to their registration as a participant,
 - (d) notify the applicant of the maximum initial capacity specified in accordance with paragraph (3), and
 - (e) give the applicant a written statement including such of the following information as the Authority considers applicable—
 - (i) the date of registration,
 - (ii) the tariff which will apply,
 - (iii) the process and timing for providing meter readings,
 - (iv) details of the frequency and timetable for periodic support payments,
 - (v) the tariff lifetime and tariff end date, and
 - (vi) the ongoing participant obligations.
- (5) The Authority must not register an applicant as a participant unless—
- (a) the applicant has specified the equipment used to produce biomethane to which the application relates,
 - (b) at the time of making the application, the relevant equipment used to produce biomethane has been commissioned,

- (c) any necessary planning permission has been granted in respect of the processes by which the biogas which is used to produce the biomethane is produced, the biogas is upgraded to biomethane, or the biomethane is injected,
- (d) any necessary waste management licences, and environmental permits, in respect of the processes by which the biogas which is used to produce the biomethane is produced, the biogas is upgraded to biomethane, or the biomethane is injected—
- (i) have been granted, or
 - (ii) have been applied for in accordance with the Environmental Permitting (England and Wales) Regulations 2016, the Pollution Prevention and Control (Scotland) Regulations 2012, or the Waste Management Licensing (Scotland) Regulations 2011, and the applications have been accepted by the Environment Agency, the Natural Resources Body for Wales, or the Scottish Environment Protection Agency, as appropriate, but have not yet been determined, where—
 - (aa) the Environment Agency, the Natural Resources Body for Wales, or the Scottish Environment Protection Agency has published (and has not withdrawn) a regulatory position statement⁽¹⁾, or other formal statement, affecting applications for environmental permits, and
 - (bb) the processes are within the scope of that statement, and
- (e) the applicant provides a declaration that the processes by which—
- (i) the biogas which is used to produce the biomethane is produced,
 - (ii) the biogas is upgraded to biomethane, and
 - (iii) the biomethane is injected,
- comply, and will continue to comply, with all local and national laws including those relating to the protection of the environment.
- (6) The Authority must not register an applicant as a participant—
- (a) if registration would result in periodic support payments being made to more than one participant for the same biomethane,
 - (b) if the tariff guarantee granted to the applicant has been revoked,
 - (c) where the applicant refused to allow the Authority access for the purposes of an inspection under regulation 5(3), and—
 - (i) the Authority is not satisfied that the refusal was reasonable, and
 - (ii) any subsequent access granted by the applicant for the purposes of an inspection was not sufficient to enable the Authority to satisfy itself that the applicant should be registered as a participant, or
 - (d) after 30th November 2025.
- (7) The Authority may refuse to register an applicant as a participant—
- (a) where the applicant fails to provide the information specified in a notice given under regulation 5(5), within the period specified in a notice under regulation 5(5)(b) or (6), as applicable,

(1) Regulatory position statements are published by the Environment Agency at: <https://www.gov.uk/government/collections/basic-rules-environmental-permitting-regulatory-positions>, and copies can be obtained from the Environment Agency at National Customer Contact Centre, PO Box 544, Rotherham, S60 1BY. Regulatory decisions are published by the Natural Resources Body for Wales at: <https://naturalresources.wales/about-us/news-and-events/statements/?lang=en>, and copies can be requested from the Natural Resources Body for Wales on 0300 065 3000. Position statements are published by the Scottish Environment Protection Agency at: https://www.sepa.org.uk/regulations/waste/guidance/#position_statements, and copies can be obtained from the Scottish Environment Protection Agency at Strathallan House, Castle Business Park, Stirling FK9 4TZ.

- (b) where it considers that one or more of the applicable ongoing participant obligations will not be complied with,
 - (c) if the Authority refused a previous application for registration made by the applicant, or a connected person, on the ground that information contained in the previous application was incorrect or misleading in a material particular, or
 - (d) where the Authority is satisfied that the relevant equipment used to produce biomethane has been used for the purposes of the registration of any other participant or former participant.
- (8) Where the Authority does not register an applicant as a participant, it must notify the applicant in writing that the application for registration has been rejected, giving reasons.