
STATUTORY INSTRUMENTS

2021 No. 1335

The Green Gas Support Scheme Regulations 2021

PART 2

Registration of participants and tariff guarantees

Treatment of grants from public funds

7.—(1) Subject to paragraphs (2) and (6), the Authority must not register an applicant as a participant in respect of any original biomethane or additional biomethane unless the applicant has given notice (which the Authority has no reason to believe is incorrect) that, as applicable—

- (a) no grant from public funds has been paid or will be paid in respect of any of the costs of purchasing or installing any of the equipment used to produce the biomethane for which the applicant is intending to claim periodic support payments, or
- (b) such a grant was paid and it has been repaid to the person or authority who made it.

(2) Where some or all of the purchase or installation costs for the equipment used to produce any original biomethane were funded by any grant from public funds and—

- (a) the applicant demonstrates to the satisfaction of the Authority that the person or authority who made the grant has—
 - (i) refused to accept repayment of the grant, or
 - (ii) ceased to exist, or
- (b) paragraph (3) applies,

the Authority may register the applicant as a participant, but a grant funding deduction must be deducted from each periodic support payment in accordance with paragraphs (4) and (5).

(3) This paragraph applies where—

- (a) a grant originates from funds raised by the National Lottery, and
- (b) on or after 30th November 2021 but not later than 30th November 2025 installation of the equipment used to produce biomethane was completed and injection of biomethane produced by that applicant has commenced.

(4) A grant funding deduction for each quarter is calculated in accordance with the following formula—

$$\frac{A}{60}$$

where A is—

- (a) for the quarter in which the tariff start date falls, the figure that the Authority considers, based on all relevant information available to the Authority at the time, represents the total value of any grants from public funds to which paragraph (2) refers,
- (b) for any subsequent quarter that does not include 1st April of any year, the value of A in the previous quarter, and

- (c) for any subsequent quarter that includes 1st April of any year, the value of A in the previous quarter adjusted by the percentage increase or decrease in the consumer prices index for the previous calendar year, the resulting figure being rounded.
- (5) Where a grant funding shortfall arises, the Authority must deduct from the periodic support payments (“P”) payable in the subsequent quarter and any quarter after the subsequent quarter, the grant funding deduction for that period together with such part of the grant funding shortfall as remains outstanding provided that the total amount so deducted does not exceed P.
- (6) Where an application for registration in respect of additional biomethane is made under regulation 8—
 - (a) a reference to a grant in paragraph (1) does not include a grant in respect of equipment used to produce that additional biomethane if the equipment is also used to produce original biomethane and a grant funding deduction is already being made in respect of the grant, and
 - (b) paragraphs (2) to (4) do not apply in respect of the application.
- (7) In this regulation—
 - “grant from public funds” means a grant made by a public authority or by any person distributing funds on behalf of a public authority,
 - “grant funding shortfall” means the amount by which the grant funding deduction exceeds the periodic support payment in any quarter, and
 - “National Lottery” means the National Lottery as referred to in section 1 of the National Lottery etc. Act 1993⁽¹⁾.

(1) 1993 c. 39. Section 1 was amended by section 3 of the National Lottery Act 2006 (c. 23).