

SCHEDULE 2

Regulation 2(1)

Approval of schemes for listing sustainable fuels

1. Where the Secretary of State is satisfied that a scheme complies with the requirements in paragraph 2, the Secretary of State may approve that scheme for the purpose of these Regulations.

2. The requirements in this paragraph are that appropriate procedures have been adopted to ensure that the person administering the scheme (“the scheme administrator”)—

- (a) establishes and maintains an accurate and up to date list of fuels which—
 - (i) are feedstocks used to produce biomethane,
 - (ii) comply with the requirements in paragraph 3 or 4, and
 - (iii) are available to be supplied to participants,
- (b) includes on the list all those feedstocks in respect of which—
 - (i) an application has been made to the scheme administrator for that feedstock to be included in the list, and
 - (ii) the supplier is able to demonstrate compliance with the requirements in paragraph 3 or 4,
- (c) processes applications by feedstock suppliers for the inclusion of fuel in the list promptly and fairly,
- (d) ensures that application procedures are clear, proportionate and accessible to suppliers,
- (e) ensures that each fuel which is included in the list is allocated an authorisation number or other means of identification which is specific to that feedstock,
- (f) requires suppliers of listed feedstocks to—
 - (i) store listed feedstocks separately from other feedstocks supplied by them which are not so listed, and
 - (ii) provide documentary evidence of the authorisation number or other means of identification when supplying an approved feedstock,
- (g) carries out reasonable checks to ensure that feedstocks which are listed continue to comply with the requirements in sub-paragraph (f) and paragraph 3 or 4,
- (h) takes reasonable steps to identify and remove from the list—
 - (i) any feedstock which no longer complies with the requirements in paragraph 3 or 4, or
 - (ii) any feedstock which has ceased (other than temporarily) to be available,
- (i) where appropriate, removes from the list those feedstocks which are supplied by a supplier who breaches the requirements of the scheme, and
- (j) deals with complaints by suppliers in relation to the operation of the scheme in a fair and transparent manner.

3. The requirements in this paragraph are—

- (a) that the feedstock meets the greenhouse gas criteria, and
- (b) that any feedstock which is included in the list meets the land criteria.

4. The requirement in this paragraph is that the feedstock is, or is wholly derived from, waste.

5. Where the Secretary of State approves a scheme under paragraph (1), the Secretary of State may declare that any feedstock—

- (a) listed under that scheme before the date on which the scheme is approved, and
- (b) received by a participant before that date,

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is deemed to meet the requirement in paragraph 3(a) and the land criteria.

6. Where the Secretary of State is no longer satisfied that an approved scheme complies with the requirements in paragraph 2, the Secretary of State may by notice to the scheme administrator, revoke approval of the scheme with effect from the date specified in the notice.

7. Where approval is revoked in accordance with paragraph 6, any feedstock listed under the scheme which has been supplied to a participant before the date on which the approval is revoked is treated as an approved sustainable fuel for the purposes of these Regulations.

8. In this Schedule—

- (a) “greenhouse gas criteria” has the meaning given in regulation 12(10)(a),
- (b) “land criteria” has the meaning given in regulation 12(10)(d).