

Department of the Environment

A CHARGING SCHEME MADE UNDER REGULATION 4 OF THE GREENHOUSE GAS EMISSIONS TRADING SCHEME CHARGING SCHEME REGULATIONS (NORTHERN IRELAND) 2010 IN RESPECT OF PERMITS GRANTED UNDER THE GREENHOUSE GAS EMISSIONS TRADING SCHEME REGULATIONS 2005 (AS AMENDED)

The Greenhouse Gas Emissions Charging Scheme (Northern Ireland) 2011

The Department of the Environment, in exercise of the powers conferred on it under Regulation 4 of the Greenhouse Gas Emissions Trading Scheme Charging Scheme Regulations (Northern Ireland) 2010 hereby makes the following Charging Scheme.

COMMENCEMENT AND CITATION

1. This Scheme shall be referred to as the Greenhouse Gas Emissions Charging Scheme (Northern Ireland) 2011 and shall come into operation on 1 April 2011. This Scheme supersedes the provisions of the Greenhouse Gas Emissions Charging Scheme (Northern Ireland) 2010.

INTERPRETATION

2. In this Scheme, the following words and phrases shall have the following meanings:

“chief inspector” has the same meaning as under Regulation 2;

“estimated annual reportable emissions” means a reasonable estimate, in the opinion of the chief inspector, of the reportable emissions emitted from the installation in the previous calendar year (if the installation held a permit during the whole of the previous calendar year) or the reportable emissions likely to be emitted from the installation in a calendar year. Verified data will be used wherever available;

“excluded installation” has the same meaning as under Regulation 2;

“permit” means a permit granted under Regulation 9;

“Registry” means the UK’s EU Emissions Trading Registry, administered and maintained by the Environment Agency;

“Regulation” means a regulation within the Regulations;

“the Regulations” means the Greenhouse Gas Emissions Trading Scheme Regulations 2005 SI No. 925 (as amended) and expressions used in this Scheme shall have the same meaning as set out in the Regulations;

“verified annual reportable emissions figure” means the annual reportable emissions from the installation verified by a verifier or determined by the chief inspector in accordance with Regulation 30;

“verifier” has the same meaning as set out in the permit; and

“year” means a period of 12 months commencing on 1 April, unless otherwise stated.

APPLICATION OF THIS SCHEME

3. This Scheme applies to:

- (a) an application made under Regulation 8(1) for a permit to carry out a Schedule 1 activity;
- (b) the subsistence of a permit to carry out a Schedule 1 activity;
- (c) an application made under Regulation 14(2) for the variation of the provisions of a permit;
- (d) the service by the chief inspector under Regulation 14(1) of a variation notice;
- (e) an application made under Regulation 15 to transfer a permit, in whole or in part;
- (f) an application made under Regulation 16 to surrender a permit;
- (g) the service by the chief inspector of a revocation notice pursuant to Regulation 17(2), 24(11) or 25(3);
- (h) an application made under Regulation 22 for an allocation of allowances from the new entrant reserve;
- (i) an application made under Regulation 24 to retain an allocation of allowances;

PERMIT APPLICATION CHARGE

4. A permit application charge shall accompany an application for a permit made under Regulation 8(1).

5. The permit application charge is as follows:

| Annual Emissions from the Installation | Charge |
|---|---------------|
| Less than 50kt per year | £1,357 |
| At least 50kt and no more than 500kt | £2,538 |
| More than 500kt per year | £6,059 |

SUBSISTENCE CHARGE

6. Subject to paragraphs 8 and 9 below, an annual subsistence charge shall be payable by an operator in respect of the subsistence of a permit on 1 April each year. In relation to the circumstances set out in paragraph 9 below, the charge shall be payable on or after 1 April as appropriate.

7. The subsistence charge shall be as follows:

| Annual Emissions from the Installation ¹ | Charge |
|--|---------------|
| Less than 50kt | £2,584 |
| At least 50kt and no more than 500kt | £3,367 |
| More than 500kt | £4,138 |

¹ For installations that held a permit during the whole of the calendar year in the year two years prior to the subsistence charge being due, the annual emissions shall be taken as the verified annual reportable emissions figure for that year.

In relation to installations not falling in the above category, the annual emissions shall be taken as the estimated annual reportable emissions.

8. The subsistence charge shall not be payable in respect of a permit relating to:
- (a) an installation which is an excluded installation for the duration of the year to which the charge relates;
 - (b) a planned installation which is not put into operation during the year to which the charge relates; or
 - (c) an installation in respect of which a retention notice has been served prior to 1 April in the year to which the charge relates and is not revoked during that year.
9. Where during a year:
- (a) a permit is granted in relation to an installation under Regulation 9(4);
 - (b) an installation ceases to be an excluded installation;
 - (c) a planned installation is put into operation; or

(d) a permit is partially transferred in accordance with Regulation 15;

the subsistence charge relating to the installation (or in the case of a partially transferred permit, the transferred unit) for the remainder of the year shall be a proportion of the charge calculated on a daily basis for the remainder of the period commencing on the date of the grant of the permit, the date on which the installation ceased to be an excluded installation, the date on which the planned installation is put into operation or the date upon which the transfer took effect, as appropriate.

10. Where an operator has paid the subsistence charge for a year in full and during that year:

(a) a permit is surrendered under Regulation 16;

(b) a permit is revoked under Regulation 17(1); or

(c) the installation to which the permit relates becomes an excluded installation;

the chief inspector shall make a refund to the operator of a proportion of the subsistence charge in respect of the remainder of the year calculated on a daily basis for the remainder of the year commencing on the date on which the notice of surrender or revocation takes effect or the date of the service of the certificate under Regulation 11(6), as appropriate.

VARIATION

11. Subject to paragraph 12 below, a variation charge of £431 shall:

(a) accompany an application for a variation to the provisions of a permit made under Regulation 14(2);

(b) be payable in respect of a variation notice varying the provisions of a permit served under Regulation 14(2) by the date specified in the variation notice.

12. No variation charge shall be payable where the chief inspector considers that a variation amounts to a change of a purely administrative nature.

TRANSFER

13. A transfer charge of £431 shall accompany an application to transfer a permit, in whole or in part made under Regulation 15(1).

SURRENDER

14. A surrender charge of £684 shall accompany an application to surrender a permit made under Regulation 16(1).

REVOCAATION

15. A revocation charge of £684 shall be payable in respect of a revocation notice served under Regulation 17(2), 24(11) or 25(3).
16. The revocation charge shall be payable by the date specified in the revocation notice.

ALLOCATION FROM NEW ENTRANT RESERVE

17. A charge of £1,137 shall accompany an application for an allocation from the new entrant reserve under Regulation 22(1).

RETENTION OF ALLOCATION

18. For retention of an allocation, a charge of £117 multiplied by the number of hours specified in the relevant notice shall be payable in respect of:
 - (a) a retention notice served under Regulation 24(7)(a); or
 - (b) a notice served under Regulation 24(7)(b).
19. The charge shall be payable by the date specified in the relevant notice.

LIABILITY TO PAY CHARGE

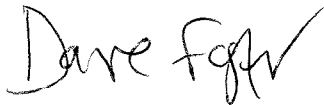
20. The person or persons set out below shall be liable to pay the charges payable under this Scheme:
 - (a) in respect of an application for a permit, the variation of a permit, the transfer of a permit, the surrender of a permit, an allocation from the new entrant reserve or an application to retain an allocation, the person or persons making that application;
 - (b) in respect of the subsistence charge, the holder of the permit in respect of which the charge is payable;
 - (c) in respect of all other matters, the person or persons upon whom the relevant notice is served.

TIME OF PAYMENT

21. Charges payable under this Scheme shall be due and payable to the Department in full at the following times:

- (a) in respect of charges relating to an application for a permit, the variation of a permit, the transfer of a permit, the surrender of a permit, an allocation from the new entrant reserve or an application to retain an allocation, on the making of the relevant application;
- (b) in respect of subsistence charges, annually on 1 April except in the circumstances set out in paragraph 9 of this Scheme, in which case the charge is payable on demand;
- (c) for all other fees and charges, on demand.

Sealed with the Official Seal of the Department of the Environment on 24 March 2011



Dave Foster

A Senior Officer of the Department of the Environment

(L.S.)