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STATUTORY INSTRUMENTS

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**2013 No. 1097**

**CLIMATE CHANGE**

**EMISSIONS TRADING**

**The CRC Energy Efficiency Scheme (Allocation of Allowances for Payment) (Amendment) Regulations 2013**

<i>Made</i>	- - - -	<i>7th May 2013</i>
<i>Laid before the House of Commons</i>	- - - -	<i>8th May 2013</i>
<i>Coming into force</i>	- -	<i>1st June 2013</i>

The Treasury make the following Regulations in exercise of the powers conferred by section 21(1), (2) and (3) of the Finance Act 2008<sup>(1)</sup>.

**Citation and commencement**

1. These Regulations may be cited as the CRC Energy Efficiency Scheme (Allocation of Allowances for Payment) (Amendment) Regulations 2013 and come into force on 1st June 2013.

**Amendments to the CRC Energy Efficiency Scheme (Allocation of Allowances for Payment) Regulations 2012**

2.—(1) The CRC Energy Efficiency Scheme (Allocation of Allowances for Payment) Regulations 2012<sup>(2)</sup> are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “allowance” insert—

““application period” means such period as is determined in accordance with regulation 4A;”;

(b) after the definition of “the Order” insert—

““payment period” means such period as is determined in accordance with regulation 7;” and

(c) omit the definitions of “primary allocation period” and “secondary allocation period”.

(3) In regulation 3(2) (conduct of allocations) for “a primary or secondary” substitute “an”.

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(1) 2008 c.9.

(2) S.I. 2012/1386.

- (4) In regulation 4 (requests for allocation of allowances)—
  - (a) in paragraph (2)(a) for “a primary allocation” substitute “an application”; and
  - (b) in paragraph (5) for “primary allocation” substitute “application”.
- (5) After regulation 4 insert—

**“Application periods**

- 4A.—(1) The application periods are as follows—
  - (a) the first application period begins on 3rd June 2013 and ends on 31st July 2013, and
  - (b) the second application period begins on 2nd June 2014 and ends on 31st July 2014.
- (2) Where an application period referred to in this regulation begins on a day which is not a working day, the application period is to begin on the next working day.
- (3) Where an application period referred to in this regulation ends on a day which is not a working day, the application period is to end on the previous working day.”.
- (6) In regulation 5 (allocation periods)—
  - (a) for paragraph (2) substitute—
    - “(2) The allocation periods are as follows—
      - (a) the first allocation period begins on 2nd September 2013 and ends on 15th October 2013, and
      - (b) the second allocation period begins on 1st September 2014 and ends on 14th October 2014.”; and
    - (b) omit paragraph (3).
- (7) In regulation 6 (allocations)—
  - (a) in paragraph (2) for the words “is not valid” substitute “does not have to be complied with”;
  - (b) in paragraph (4) after the word “must” insert “, on request from the account holder making the payment”; and
  - (c) after paragraph (4) insert—
    - “(5) When making a repayment in accordance with paragraph (4), the Secretary of State may deduct any costs reasonably incurred in doing so.”.
- (8) In regulation 7 (payment for allowances)—
  - (a) for paragraph (2) substitute—
    - “(2) Payment for main allocations requested in an application period must be made during the payment period determined in accordance with this regulation.”;
  - (b) after paragraph (2) insert—
    - “(2A) The payment periods are as follows—
      - (a) for allocations requested in the first application period, the payment period begins on 2nd September 2013 and ends on 20th September 2013, and
      - (b) for allocations requested in the second application period, the payment period begins on 1st September 2014 and ends on 19th September 2014.
    - (2B) Where a payment period referred to in this regulation begins on a day which is not a working day, the payment period is to begin on the next working day.
    - (2C) Where a payment period referred to in this regulation ends on a day which is not a working day, the payment period is to end on the previous working day.”; and

- (c) in paragraph (3) for “Payment” substitute “Unless otherwise agreed with the Environment Agency, payment”.
- (9) Omit regulation 10(2) (issue of allowances).

7th May 2013

*Mark Lancaster*  
*Robert Goodwill*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

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**Status:** This is the original version (as it was originally made). UK  
Statutory Instruments are not carried in their revised form on this site.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which come into force on 1st June 2013, make amendments to the CRC Energy Efficiency Scheme (Allocation of Allowances for Payment) Regulations 2012 ([S.I. 2012/1386](#)).

The amendments—

- replace the requirement to have primary and secondary allocation periods with a single allocation period;
- create separate application periods (when main allocations of allowances can be requested) and payment periods (when main allocations should be paid for); and
- amend regulation 6 so that when payments are received after a payment period they are to be repaid on request and the Secretary of State can deduct costs reasonably incurred in making the repayment.

An impact assessment has not been produced for this instrument as it has no impact on the costs of business or the voluntary sector.