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STATUTORY INSTRUMENTS

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**2013 No. 505**

**CLIMATE CHANGE LEVY**

**The Climate Change Agreements (Eligible Facilities)  
(Miscellaneous Amendments) Regulations 2013**

<i>Made</i>	- - - -	<i>5th March 2013</i>
<i>Laid before House of Commons</i>		
	- - - -	<i>8th March 2013</i>
<i>Coming into force</i>	- -	<i>31st March 2013</i>

The Secretary of State makes the following Regulations, in exercise of the powers conferred by paragraphs 50(3) to (5) and 146 of Schedule 6 to the Finance Act 2000<sup>(1)</sup>:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Climate Change Agreements (Eligible Facilities) (Miscellaneous Amendments) Regulations 2013.

(2) They come into force on 31st March 2013.

(3) In these Regulations, “the 2012 Regulations” means the Climate Change Agreements (Eligible Facilities) Regulations 2012<sup>(2)</sup>.

**Amendments to the Climate Change Agreements (Eligible Facilities) Regulations 2012**

2.—(1) The 2012 Regulations are amended as follows.

(2) In regulation 2, after the definition of “the Act”, insert—

““the administrator” means the Environment Agency;”.

(3) In regulation 2, after the definition of “food”, insert—

““greenfield facility” means a facility which started to carry out the process by virtue of which it is a facility within the meaning of paragraph 50 of Schedule 6 to the Act during the 12 month period ending on the date the operator applies for the facility to be covered by an agreement;”.

(4) At the beginning of regulation 3(2), insert “Unless paragraph (3) or paragraph (4) applies,”.

(5) After regulation 3(2), insert—

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(1) 2000 c.17.  
(2) S.I. 2012/2999.

“(3) This paragraph applies until 31st May 2014 if an operator has insufficient data on the supply or use of reckonable energy during the previous 12 month period to determine the intended supply or use of reckonable energy in the following 12 month period in accordance with paragraph (2).

(4) This paragraph applies in respect of a greenfield facility until the later of—

(a) 31st May 2014; or

(b) the day which is one year following the day on which the operator entered into an underlying agreement which covered the installation or site comprising the facility.

(5) If paragraph (3) or paragraph (4) applies, for the purposes of paragraph (1)(a), the administrator must make a reasonable estimation of the intended supply or use of reckonable energy in the following 12 month period.”.

5th March 2013

*Gregory Barker*  
Minister of State  
Department of Energy and Climate Change

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## EXPLANATORY NOTE

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

These Regulations amend the Climate Change Agreements (Eligible Facilities) Regulations 2012 (“the 2012 Regulations”).

Regulation 2 amends regulations 2 and 3 of the 2012 Regulations. It provides that until 31st May 2014, if, at the time it falls to be determined whether a facility is eligible to be covered by a climate change agreement, the operator of the facility has insufficient data available on the supply or use of reckonable energy by the installation for the previous 12 month period in order to determine the intended supply or use of reckonable energy by the installation, the intended supply or use of reckonable energy by the installation must instead be estimated by the administrator. It also provides that, until the later of 31st May 2014 or the day which is one year following the date of an underlying agreement, if it falls to be determined whether a greenfield facility is eligible to be covered by a climate change agreement, the administrator must estimate the intended supply or use of reckonable energy by the installation.