Draft Regulations laid before Parliament under section 30 of and Schedule 6 paragraph 146(3) to the Finance Act 2000, for approval by resolution of the House of Commons.

DRAFT STATUTORY INSTRUMENTS

2006 No.

CLIMATE CHANGE LEVY

The Climate Change Agreements (Energy–intensive Installations) Regulations 2006

Made - - - - 2006

Coming into force in accordance with regulation 1

The Treasury make the following Regulations in exercise of the powers conferred by section 30 of and Schedule 6 paragraphs 52(1), 52(2)(a) and 146(7) to the Finance Act 2000(**1**).

A draft of this instrument was laid before Parliament and approved by a resolution of the House of Commons in accordance with paragraph 146(3) of that Schedule.

1. These Regulations may be cited as the Climate Change Agreements (Energy–intensive Installations) Regulations 2006 and come into force on the third day after the one on which they are made.

2.—(1) The energy-intensive installations covered by the Finance Act 2000 Schedule 6 paragraph 51(**2**) ("paragraph 51") include any installation falling within any one or more of the descriptions of installation specified in the Schedule to these Regulations.

(2) But paragraph (3) applies where—

(a) an installation falls within any one or more of those descriptions, and

(b) there is, on the same site as that installation, at least one location at which ancillary activities are carried out.

(3) That installation (taken alone) is not covered by paragraph 51, but the combination of that installation and every such location is to be taken as an installation so covered.

(4) In paragraph (2), "ancillary activities" are only—

(a) those that are directly associated with any of the primary activities carried out in the installation,

(b) have a technical connection with those primary activities, and

(c) could have an effect on environmental pollution.

(**1**) 2000 c.17.
(**2**) Paragraph 51 was amended by S.I. 2001/1139.

(5) In paragraph (4)—

"primary activities", in relation to an installation falling within any one or more of the descriptions of installation set out in the Schedule to these Regulations, refers to an activity the carrying out of which at the installation results in the installation falling within one or more of those descriptions;

"environmental pollution" bears the same meaning as in the Pollution Prevention and Control Act 1999(**3**).

Two of the Lords Commissioners of Her
2006 Majesty's Treasury

(**3**) 1999 c.24. Sections 1(2) and 1(3) define "environmental pollution" as pollution of the air, water or land which may give rise to any harm; and, for the purposes of the definition (but without prejudice to its generality), (a) "pollution" includes pollution caused by noise, heat or vibrations or any other kind of release of energy, and (b) "air" includes air within buildings and air within other natural or man-made structures above or below ground. "Harm" means (a) harm to the health of human beings or other living organisms; (b) harm to the quality of the environment, including (i) harm to the quality of the environment taken as a whole, (ii) harm to the quality of the air, water or land, and (iii) other impairment of, or interference with, the ecological systems of which any living organisms form part; (c) offence to the senses of human beings; (d) damage to property; or (e) impairment of, or interference with, amenities or other legitimate uses of the environment (expressions here having the same meaning as in Council Directive 96/61/EC (OJ No L 257, 10.10.96, p 26). (In fact, the definition of "pollution" in Article 2(2) for the purposes of that Directive includes "the … introduction as a result of human activity, of substances, vibrations, heat or noise into the air, water or land which may … impair or interfere with amenities and other legitimate uses of the environment".)