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

DRAFT STATUTORY INSTRUMENTS

2001 No.

CLIMATE CHANGE LEVY

The Climate Change Levy (Electricity and Gas) Regulations 2001

Made - - - -	*2001*
Coming into force - -	*1st April 2001*

The Treasury and the Commissioners of Customs and Excise, in exercise of the powers conferred on them by section 30 of and paragraphs 14(2), 146(1), 146(7), 151(2) and 152(2) of Schedule 6 to the Finance Act 2000(**1**), and of all other powers enabling them in that behalf, hereby make the following Regulations, a draft of which has, in accordance with paragraph 146(3) of that Schedule, been laid before Parliament and approved by a resolution of the House of Commons:

Citation and commencement

1. These Regulations may be cited as the Climate Change Levy (Electricity and Gas) Regulations 2001 and shall come into force on 1st April 2001.

Interpretation

2. In these Regulations—

"the Act" refers to Schedule 6 to the Finance Act 2000;

"CCL" refers to climate change levy;

"electricity supply licence" refers to a licence mentioned in paragraph 150(2)(a) or 150(2)(b) of the Act;

"gas" refers to gas described by paragraph 3(1)(b) of the Act;

"gas supply licence" refers to a licence mentioned in paragraph 150(3)(a) or 150(3)(b) of the Act.

(**1**) 2000 c. 17; paragraph 147 of Schedule 6 to that Act defines, for the purposes of that Schedule, "the Commissioners" as meaning the Commissioners of Customs and Excise.

Certain supplies by and to unregulated electricity suppliers and electricity utilities

3.—(1) An unregulated electricity supplier (within the meaning of paragraph 151(8) of the Act) shall be treated for all CCL purposes as being an electricity utility to the extent of any supplies he makes in relation to which he is in breach of a requirement to hold an electricity supply licence.

(2) A holder of an electricity supply licence, who receives supplies of electricity in the course of acting otherwise than for purposes connected with the carrying on of activities authorised by that licence, shall be treated as being an electricity utility for the purposes of the CCL treatment under paragraph 5 of the Act of the supplies of electricity so received.

(3) In paragraph (1), "unregulated electricity supplier" includes the holder of an electricity supply licence acting otherwise than for the purposes connected with the carrying on of activities authorised by that licence.

Certain supplies of electricity by electricity utilities

4.—(1) A person who is an electricity utility shall be treated for the purposes of the CCL chargeable under paragraph 5(1) of the Act (CCL on supplies of electricity) as not being an electricity utility to the extent of any part of a supply he makes of electricity—

(a) produced in a fully exempt combined heat and power station, and

(b) not supplied to him at any time by another person.

(2) Where an electricity utility makes a supply of electricity on which CCL would be chargeable, but for this paragraph, under both paragraph 5(1) and either paragraph 5(2) or 5(3) of the Act—

(a) that electricity utility shall be treated, for the purposes of the CCL chargeable under paragraph 5(1), as not being an electricity utility to the extent of that supply, and

(b) CCL shall, accordingly, only be chargeable on that supply under paragraph 5(2) or 5(3).

Supplies to exempt unlicensed electricity suppliers

5.—(1) The description of exempt unlicensed electricity supplier prescribed for the purposes of paragraph 14(2) of the Act (exemption: certain supplies to electricity producers) is that given in paragraph (2) of this regulation.

(2) The description referred to in paragraph (1) of this regulation is any exempt unlicensed electricity supplier who—

(a) meets the description in paragraph 14(4) of the Act, and

(b) is not an auto-generator.

Autogenerators: requirements for electricity produced to be taken as for own consumption

6. Electricity shall only be taken as produced primarily for a person's own consumption for the purposes of paragraph 152(1) of the Act (autogenerators) if it fulfils both of the following requirements at the time it is produced—

(a) it must not be produced by an electricity utility or by a person treated as such for the purposes of any supplies of electricity he makes;

(b) it must not be produced by a person who has consumed, in the preceding 3 months, less than 75 per cent of the electricity produced by him in that period.