competent authority logo

«${currentDate?date?string('dd MMMM yyyy'»

«${(account.legalEntityName)!}»

«${(account.legalEntityLocation)!}»

FAO: «${(account.serviceContact)!}»

Dear Sir / Madam

**THE GREENHOUSE GAS EMISSIONS TRADING SCHEME ORDER 2020 (SI 2020/1265) (the Order)**

**Permit reference:** «${(permitId)!}»

**Notice to Withhold Allowances:**

The «${(competentAuthority.name)!}» has issued a Notice to the Registry Administrator to withhold allowances that would otherwise have been allocated to the above installation. The notice is attached to this letter and contains the reason that allowances have been withheld.

**Duration of effect of this Notice**

If an application to surrender your permit is refused or if the outcome of an appeal means that the surrender or revocation notice does not take effect, this notice will cease to have effect on the date that the application is refused or the appeal is determined. Your allowances will then be issued.

Otherwise, your allocation of allowances will continue to be withheld until all steps referred to in section A of the Schedule of the attached notice have been completed. The allowances will then be permanently withheld.

If we determine that your NIMS baseline data report contains an error, your allocation of allowances will continue to be withheld until the investigation is complete and the UKETS Authority has approved the revised allocation. At that point, we will notify you again to confirm either that your allocation of allowances will be permanently reduced or that a proportion of them will be issued.

If we determine that your NIMs baseline data report does not need correcting, this notice will cease to have effect on the date that you are notified of this fact. Your allowances will then be issued.

**Appealing this notice**

You have a right of appeal against this notice under article 70 of the Order to the First-tier Tribunal. Written notice of the appeal must be submitted to the First-tier Tribunal at the address below no later than 28 calendar days after the service of this notice. The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 sets out the procedural rules relating to these appeals.

Hard copy: General Regulatory Chamber, HMCTS, PO Box 9300, Leicester, LE1 8DJ

or email: grc@justice.gov.uk

The notice of appeal must include:

* the name and address of the appellant;
* the name and address of the appellant’s representative (if any);
* an address where documents for the appellant may be sent or delivered;
* the name and address of any respondent;
* details of the decision to which the appeals relates;
* the result the appellant is seeking;
* the grounds on which the appellant relies; and
* a copy of any written record of that decision, and any statement of reasons for that decision that the appellant has or can reasonably obtain.

You may withdraw an appeal by notifying the First-tier Tribunal at the above address.

You may also ask the Environment Agency to make an independent internal review of our decision to issue this notice.  Any request should normally be made within 14 days of receiving this notice by contacting ethelp@environment-agency.gov.uk.  Asking us to review our decision does not suspend the effect of the notice and, in particular, will not affect the time limits within which a statutory appeal must be made.

If you require any clarification of the above, please do not hesitate to contact a member of the Emissions Trading Team either directly or by e-mail to «${(competentAuthority.email)!}».

Yours faithfully

signature

«${signatory.fullName}»

CC: «[#list params.ccRecipients as cc]»«${cc}[#sep], [/#sep]»«[/#list]»

|  |  |
| --- | --- |
| Statutory Notice: Withholding of Issue of Allowances | competent authority logo |

# THE GREENHOUSE GAS EMISSIONS TRADING SCHEME ORDER 2020 (SI 2020/1265) (the Order)

# Notice to Withhold Allowances

**This notice relates to:**

**Permit reference:** «${(permitId)!}»

**(the Operator)**

whose (Registered) office address is

«${(account.legalEntityLocation)!}»

which relates to the operation of (part of) the installation(s) at

«${(account.siteName)!}»

«${(account.location)!}»

This notice is issued to the Registry Administrator under article 34W of the Order.

We require you to withhold all allowances which would otherwise have been allocated to the above installation for the reason set out in the Schedule to this Notice. No allowances may be allocated in respect of the installation until we issue a further notice.

|  |  |
| --- | --- |
| Signed | Date |
| signature | «${currentDate?date?string('dd MMMM yyyy'» |

«${signatory.fullName}»

Authorised to sign on behalf of the «${(competentAuthority.name)!}»

**SCHEDULE**

**Section A – requirement to withhold allowances**

We may require the registry administrator to withhold allowances that would otherwise have been allocated in respect of the installation in the following circumstances:

* We are investigating whether the installation has ceased operation
* An operator has submitted an application to surrender its permit under Schedule 6, paragraph 11 to the Order but we have not yet determined it
* We have issued a surrender or revocation notice but that notice has not yet taken effect
* An appeal against a revocation notice has been made but has not been determined or withdrawn
* An operator has given a renunciation notice and we are assessing it
* Operators have submitted a transfer application and we are considering if it may result in a merger or split or we are assessing the relevant reports connected to a merger or split
* We are investigating whether, as a result of a relevant error (as defined in article 34H), the final annual number of allowances set out in the allocation table to be allocated in respect of the installation for the scheme year exceeds the number that would otherwise have been set out in the table but for the relevant error

**Section B - reason for issue of notice**

We require you to withhold the allowances that would otherwise have been allocated to the installation for the following reason:

The operator has submitted an application to surrender its permit but we have not yet determined it.

# Notice to Withhold Allowances

**Permit reference:** «${(permitId)!}»

**(the Operator),**

whose (Registered) office address is

«${(account.legalEntityLocation)!}»

which relates to the operation of (part of) the installation(s) at

«${(account.siteName)!}»

«${(account.location)!}»

This notice is issued to the Registry Administrator under article 34W of the Order.

We require you to withhold all allowances which would otherwise have been allocated to the above installation for the reason set out in the Schedule to this Notice. No allowances may be allocated in respect of the installation until we issue a further notice.

|  |  |
| --- | --- |
| Signed | Date |
| signature | «${currentDate?date?string('dd MMMM yyyy'» |

«${signatory.fullName}»

Authorised to sign on behalf of the «${(competentAuthority.name)!}»

**SCHEDULE**

**Section A – requirement to withhold allowances**

We may require the registry administrator to withhold allowances that would otherwise have been allocated in respect of the installation in the following circumstances:

* We are investigating whether the installation has ceased operation
* An operator has submitted an application to surrender its permit under Schedule 6, paragraph 11 to the Order but we have not yet determined it
* We have issued a surrender or revocation notice but that notice has not yet taken effect
* An appeal against a revocation notice has been made but has not been determined or withdrawn
* An operator has given a renunciation notice and we are assessing it
* Operators have submitted a transfer application and we are considering if it may result in a merger or split or we are assessing the relevant reports connected to a merger or split
* We are investigating whether, as a result of a relevant error (as defined in article 34H), the final annual number of allowances set out in the allocation table to be allocated in respect of the installation for the scheme year exceeds the number that would otherwise have been set out in the table but for the relevant error

**Section B - reason for issue of notice**

We require you to withhold the allowances that would otherwise have been allocated to the installation for the following reason:

We are investigating whether, as a result of a relevant error (as defined in article 34H), the final annual number of allowances set out in the allocation table to be allocated in respect of the installation for the scheme year exceeds the number that would otherwise have been set out in the table but for the relevant error.