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DRAFT STATUTORY INSTRUMENTS

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**2010 No.**

The CRC Energy Efficiency Scheme Order 2010

PART 2

Registration as a participant

CHAPTER 4

Undertakings

**Groups of undertakings**

23.—(1) This article applies to undertakings.

(2) For the purposes of articles 24 to 26—

(a) whether a group exists or not; and

(b) whether an undertaking is or is not a member of a group,

are matters determined on the qualification day of the qualification year, whatever applied earlier in that year.

(3) Subject to article 27, any change in the members of a group after the qualification day is to be ignored for the purposes of this Part.

**Undertakings: applications by groups**

24.—(1) This article applies to a group of undertakings but is subject to article 27.

(2) The group must apply for registration as a participant in respect of a phase where during the qualification year for the phase or any part of that year, it meets the qualification criteria.

**Undertakings: applications by significant group undertakings**

25.—(1) Paragraph (2) applies where a group (“A”) includes a significant group undertaking (“B”) and A—

(a) satisfies article 24(2) and would do so if it did not include B;

(b) is not subject to article 27; and

(c) complies with article 11 at least 3 months before the time required under article 12.

(2) Where this paragraph applies, A may in the application under article 11 request the administrator to register A and B as separate participants.

(3) Where such a request is made—

(a) the administrator must notify A and B as soon as possible whether or not it agrees to it; and

(b) if it does, B may make an application in accordance with article 11 if it does so by the time required under article 12.

(4) Where—

- (a) the request is not agreed; or
  - (b) it is but B does not make an application or not in the time required,
- the application by A under article 11 includes B as a member of A.

**Undertakings: applications other than by groups**

26. Subject to article 27, an undertaking must apply for registration as a participant in respect of a phase where—

- (a) it is not a member of a group; and
- (b) during the qualification year for that phase or any part of that year, it meets the qualification criteria.

**Changes to undertakings and groups**

27.—(1) Paragraph (2) applies where—

- (a) a requirement to register applies to a group or undertaking under article 24 or 26; and
- (b) a change described in section 1 of Part 3 of Schedule 6 applies to that group or undertaking after the qualification day but before the group or undertaking makes an application for registration within the time provided under article 12 (“the post-qualification period”).

(2) Where this paragraph applies—

- (a) a group or undertaking to which article 24 or 26 would otherwise apply must instead register as a participant as provided by section 1 of Part 3 of Schedule 6; and
- (b) other undertakings affected by such change must comply with that section.

**Determinations by the administrator**

28. The administrator may determine<sup>(1)</sup> whether or not—

- (a) an undertaking is a member of a group;
- (b) article 27(2) applies to a group or an undertaking.

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(1) Such a determination must be made in accordance with article 74(2).