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24th of February 2026

THE GREEN GAS SUPPORT SCHEME (AMENDMENT) REGULATIONS 2026

EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT

Dear Edward,

I am writing in relation to the protocol on obtaining the approval of the Scottish Parliament to proposals by the Scottish Ministers to consent to the making of UK secondary legislation affecting devolved areas arising from EU Exit.

That protocol, as agreed between the Scottish Government and the UK Parliament, accompanied the letter from the then Cabinet Secretary for Government Business and Constitutional Relations, Michael Russell MSP, to the Conveners of the Finance & Constitution and Delegated Powers and Law Reform Committees on 4 November 2020 and replaced the previous protocol that was put in place in 2018.

I attach a Type 1 notification which sets out the details of the SI which the UK Government propose to make and the reasons why I am content that Scottish devolved matters are to be included in this SI. Please note, we are yet to have sight of the final SI and it is not available in the public domain at this stage. We will, in accordance with the protocol, advise you when the final SI is laid and as to whether it is in keeping with the terms of this notification.

The SI will make three changes to the existing regulations.

- The deadline for commissioning anaerobic digestion plants which will receive support via the Green Gas Support Scheme (GGSS) will be extended from 31 March 2028 to 31 March 2030. This will make the projects more viable for investors and will help to reduce emissions from the gas grid whilst improving energy security.
- The wording of legislation will be slightly amended to correct a previous mistake regarding calculation of tariffs for projects that are combined with heat pumps.

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- Requirements to submit sustainability audit data will be aligned with other audit requirements.

I believe that consenting to the extension of the commissioning deadline for GGSS projects will give confidence to investors and will encourage the utilisation of waste resources to generate energy, whilst displacing fossil fuels and therefore supporting Scotland's Net Zero ambitions.

I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee.

I look forward to hearing from you by 25 March 2026.

Yours sincerely,



GILLIAN MARTIN

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NOTIFICATION TO THE SCOTTISH PARLIAMENT

Name of the SI(s) (if known) or a title describing the policy area

Green Gas Support Scheme (Amendment) Regulations 2026

Is the notification Type 1 or Type 2

Type 1

- The Green Gas Support Scheme (GGSS) provides tariff support for biomethane produced via anaerobic digestion which is injected into the gas grid. It is funded by the Green Gas Levy which is applied to all licenced fossil fuel gas suppliers.
- The GGSS regulations are enabled by powers contained in the Energy Act 2008.
- The Energy Act 2008, section 100 (7) states that making regulations under this section which extend to Scotland, the Secretary of State must—
 - (a) if the regulations contain any provision which would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament, obtain the consent of the Scottish Ministers;
 - (b) in any other case, consult the Scottish Ministers.
- The UK Government intends to extend the commissioning deadline of the GGSS from 31 March 2028 to 31 March 2030. This will provide new applicants with an additional two years to commission plants, begin injecting biomethane into the gas grid and make their stage 3 application for GGSS registration. The proposed extension aims to maximise deployment and the associated carbon savings that can be achieved through the scheme.
- This change aligns with EU policy. The REPowerEU Plan states a desire to increase biomethane production. The GGSS has sustainability criteria which aligns with EU Renewable Energy Directive (RED).
- DESNZ had suggested 13 April for laying in UK Parliament but this timeline has now been pushed back. With the imminent recess for the pre-election period it has been agreed with the Parliament and Legislation Unit to seek consent for the changes before we receive the official notification of laying date and when the SI would come into force.

Details of the provisions that Scottish Ministers are being asked to consent to.

- The extension of the commissioning deadline of the Green gas Support Scheme (GGSS) from 31 March 2028 to 31 March 2030.

- Minor change to the wording of the legislation in regard to how heat from heat pumps is calculated in the tariff award. Heat pumps are used to warm the anaerobic digestion process, making it more efficient. If this heat is generated by a registered heat pump which meets the relevant eligibility requirements then no deductions are made from payments.
- Minor change to align sustainability audit reports with financial years, which will help to reduce the administrative burden.

Summary of proposals

- Extending the commissioning deadline will allow projects that may experience delays in planning applications, establishing supply of waste feedstock or delays in supply chain procurement to be fully developed with the confidence that they will be entitled to tariff support.
- This will give greater possibility of the allocated budget of the scheme being fully used, which will contribute to reducing emissions and providing greater energy security.

Does the SI relate to a common framework or other scheme?

- The Green Gas Support Scheme (GGSS) is directly underpinned by powers contained in the Energy Act 2008. The Energy Act 2008 sets out the framework for collaboration between the UK Government and the devolved governments.

Summary of stakeholder engagement/consultation

- DESNZ have engaged with industry who highlighted the concerns that delays could make meeting the commissioning deadline difficult. It takes around two years from being accepted on the scheme to commissioning, so time is running short under the current timeline for plants to have confidence that they will be able to build and commission in time.
- Grissan are the major biomethane producers in Scotland and they have indicated to DESNZ that they are supportive of the changes being proposed.

Intended laying date (if known) of instruments likely to arise

Laying date is not known yet.

If the Scottish Parliament does not have 28 days to scrutinise Scottish Minister's proposal to consent, why not?

The final proposal is not available from the UK Government yet but the Scottish Parliament will have 28 days to consider the draft and any changes will be flagged.

Information about any time dependency associated with the proposal

Scrutiny of the proposal needs to be completed before the pre-election period of Scottish Parliament begins on 26 March.

Are there any broader governance issues in relation to this proposal, and how will these be regulated and monitored post-withdrawal?

Governance and monitoring of the scheme are already well established and will not change.

The scheme is already aligned with EU standards.

Any significant financial implications?

There are no financial implications for the Scottish Government and no additional costs, beyond what had previously been agreed, for consumers.

SUMMARY NOTIFICATION TO THE SCOTTISH PARLIAMENT

Green Gas Support Scheme (Amendment) Regulations 2026

SI NOTIFICATION: SUMMARY

Title of Instrument UK Parliament Statutory Instrument (SI)
Proposed laying date at Westminster Not known
Date by which Committee has been asked to respond Before pre-election recess on 26 March 2026
Power(s) under which SI is to be made Energy Act 2008, s.100, s.104(2)
Categorisation under SI Protocol Type 1
Purpose <p>The amendment will allow for the extension of allowable commissioning date of anaerobic digestion projects which apply for funding support from the Green Gas Support Scheme from 30 March 2028 to 30 March 2030.</p> <p>This will give projects greater opportunity to address any delays in planning applications and in establishing supply chains. This will give investors' confidence to continue developing a more circular economy and by injecting more biomethane into the gas grid will help to reduce emissions and deliver greater energy security.</p>
Other information
SG Policy contact: [REDACTED]