

SCHEDULE 6

Regulation 48

Consequential Amendments

*The Environment Act 1995*

- 1.—(1) The 1995 Act shall be amended in accordance with this paragraph.
- (2) After section 41, insert a new section 41A as follows—

**“Charges in respect of greenhouse gas emissions permits**

**41A.**—(1) Without prejudice to subsections (1)(b) and (2) of section 41 above, the following charges may be prescribed under that section as respects permits (“greenhouse gas emissions permits”) granted under the Greenhouse Gas Emissions Trading Scheme Regulations 2005 (“the regulations”)—

- (a) charges in respect of, or in respect of an application for, the allocation of allowances to an operator;
  - (b) charges in respect of, or in respect of an application for, the retention of allowances by an operator ceasing to carry on an activity to which they relate;
  - (c) charges in respect of the revocation of a greenhouse gas emissions permit;
  - (d) charges in respect of the subsistence of an account required to be held in the trading scheme registry by an operator (“operator registry charges”).
- (2) If the Agency—
- (a) proposes to prescribe operator registry charges, or to amend any provision for such charges included in a charging scheme, and
  - (b) notifies SEPA of its proposals,

the Agency and SEPA shall each include in a charging scheme (subject to approval by the Secretary of State under section 42(2) below) provision giving effect to the proposals.

(3) If the Agency revises any proposals of which it has given notification under subsection (2) above, and notifies SEPA accordingly, the obligations imposed by that subsection apply in relation to the proposals as revised.

(4) A notification under subsection (2) or (3) above shall include details of the amount of the proposed charges.

(5) SEPA shall pass on to the Agency any operator registry charges that it receives.

(6) A charging scheme made by the Agency may require the payment to the Agency of such charges as may from time to time be prescribed in respect of—

- (a) the creation of an account in the trading scheme registry, other than one that is required to be held by an operator;
- (b) the subsistence of such an account;
- (c) the updating of information provided to the Agency in relation to such an account.

(7) In this section—

“allowance” and “operator” have the same meaning as in the regulations;

“charging scheme” and “prescribed” have the same meaning as in section 41;

“trading scheme registry” means the registry established under the regulations.”

*Status: This is the original version (as it was originally made).*

(3) In sub-section (1) of section 56 of the 1995 Act (interpretation of Part 1), in each of the two definitions of “environmental licence” insert after paragraph (j)—

“(k) a greenhouse gas emissions permit granted under the Greenhouse Gas Emissions Trading Scheme Regulations 2005”.

*The Pollution Prevention and Control Act 1999*

2.—(1) The Pollution Prevention and Control Act 1999 shall be amended in accordance with sub-paragraph (2).

(2) In Schedule 1—

(a) after paragraph 9, insert a new paragraph 9A as follows—

“9A.—(1) Authorising the Secretary of State to make schemes for the charging by regulators of charges, as respects greenhouse gas emissions permits in relation to offshore installations, corresponding to those that may be prescribed under section 41 (read with section 41A) of the Environment Act 1995.

(2) Subsections (2) to (5) of section 41A of that Act apply in relation to the Secretary of State and a charging scheme made by virtue of this paragraph as they apply in relation to the Scottish Environment Protection Agency and a charging scheme made by that Agency under the 1995 Act.

(3) In this paragraph “greenhouse gas emissions permit” and “offshore installation” have the same meaning as in the Greenhouse Gas Emissions Trading Scheme Regulations 2005.”

(b) in after paragraph 24, after “paragraph 9” insert “, 9A”.