

SCHEDULE

Regulation 4

Amendments to the 2005 Regulations

F11.

Textual Amendments

F1 Sch. paras. 1-20 revoked (1.1.2013) by [The Greenhouse Gas Emissions Trading Scheme Regulations 2012 \(S.I. 2012/3038\)](#), regs. 1, **85(b)(ix)** (with regs. 85, 87, Sch. 1)

F12.

Textual Amendments

F1 Sch. paras. 1-20 revoked (1.1.2013) by [The Greenhouse Gas Emissions Trading Scheme Regulations 2012 \(S.I. 2012/3038\)](#), regs. 1, **85(b)(ix)** (with regs. 85, 87, Sch. 1)

F13.

Textual Amendments

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F14.

Textual Amendments

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F15.

Textual Amendments

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F16.

Textual Amendments

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F17.

Changes to legislation: There are currently no known outstanding effects for the The Greenhouse Gas Emissions Trading Scheme (Amendment) (Registries and Fees etc.) Regulations 2011, SCHEDULE. (See end of Document for details)

Textual Amendments

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F19.

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F110.

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F111.

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F112.

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F113.

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F114.

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^{F1}18.

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^{F1}20.

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Changes to legislation: There are currently no known outstanding effects for the The Greenhouse Gas Emissions Trading Scheme (Amendment) (Registries and Fees etc.) Regulations 2011, SCHEDULE. (See end of Document for details)

Amendment to the Environment Act 1995

21. The Environment Act 1995 ^{M1} is amended as follows.

<p>Marginal Citations</p> <p>M1 1995 c.25.</p>
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22. In section 41 ^{M2}—

(a) in subsection (1), in paragraph (g) for “prescribed.” substitute “ prescribed; ”, and after that paragraph insert—

“(h) as a means of recovering costs incurred by it in performing functions conferred by regulation 8A of the Greenhouse Gas Emissions Trading Scheme (Amendment) and National Inventory Regulations 2005 ^{M3}, the Agency may require the payment to it of such charges as may from time to time be prescribed;

(i) as a means of recovering costs incurred by it in performing functions conferred by regulations made for the purpose of implementing Directive 2008/101/EC of the European Parliament and of the Council amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community, each of the new Agencies may require the payment to it of such charges as may from time to time be prescribed;

(j) each of the new Agencies may require the payment to it of such charges as may from time to time be prescribed in respect of the subsistence of an account required to be held in the trading scheme registry by an aircraft operator;”;

^{F2}(b)

<p>Textual Amendments</p> <p>F2 Sch. para. 22(b) revoked (3.12.2012) by The Greenhouse Gas Emissions Trading Scheme (Amendment) (Charging Schemes) Regulations 2012 (S.I. 2012/2788), regs. 1, 17(2)(a)</p>
<p>Marginal Citations</p> <p>M2 Section 41 has been amended by S.S.I. 2003/235, S.I. 2005/894, 2005/1806 (W. 138), 2006/937, 2007/1711, 2007/3106, 2008/3087, 2009/890, 2009/3381, the Climate Change (Scotland) Act 2009 (asp.12), the Flood and Water Management Act 2010 (c.29) and S.I. 2011/988.</p> <p>M3 S.I. 2005/2903, amended by S.I. 2011/727.</p>

23. In section 41A ^{M4}—

(a) for the heading, substitute “ Charges in respect of greenhouse gas emissions permits etc: supplementary ”;

^{F3}(b)

^{F3}(c)

^{F3}(d)

^{F3}(e)

^{F3}(f)

Textual Amendments

F3 Sch. para. 23(b)-(f) revoked (3.12.2012) by [The Greenhouse Gas Emissions Trading Scheme \(Amendment\) \(Charging Schemes\) Regulations 2012 \(S.I. 2012/2788\)](#), regs. 1, **17(2)(b)**

Marginal Citations

M4 Inserted by [S.I. 2005/925](#).

Amendment to the Environment (Northern Ireland) Order 2002

24. Schedule 1 to the Environment (Northern Ireland) Order 2002 ^{M5} (particular purposes for which provision may be made under Article 4 of that Order) is amended as follows.

Marginal Citations

M5 [2002 No. 3153 \(N.I. 7\)](#), amended by S.R. (N.I.) [2010 No. 92](#).

25. After paragraph 9A insert—

“**9B.**—(1) Without prejudice to paragraph 9, authorising the Department to make schemes for the charging by enforcing authorities of fees or other charges as a means of recovering costs incurred by them in performing functions conferred by regulations made for the purpose of implementing Directive [2008/101/EC](#) of the European Parliament and of the Council amending Directive [2003/87/EC](#) so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community.

(2) Without prejudice to paragraph 9, authorising the Department to make schemes for the charging by enforcing authorities of fees or other charges as a means of recovering costs incurred by them in performing functions in respect of the subsistence of an account required to be held in the trading scheme registry by an aircraft operator (“aircraft operator charges”).”

26. In paragraph 24 of that Schedule, after “9A” insert “ , 9B ”.

27. In paragraph 24A—

- (a) after “paragraph 9A” insert “ , or 9B ”;
- (b) after “operator registry charges” insert “ , or aircraft operator registry charges ”.

28. In paragraph 26—

^{F4}(a)

(b) for the definition of “trading scheme registry” substitute—

““trading scheme registry” means—

- (a) any registry operated by the Environment Agency for the purpose of meeting the requirements of Article 3(1) of Commission Regulation (EU) No 920/2010 for a standardised and secured system of registries pursuant to Directive [2003/87/EC](#) of the European Parliament and of the Council and Decision No [280/2004/EC](#) of the European Parliament and of the Council, as amended from time to time; or
- (b) the Union registry referred to in Article 3(2) of that Regulation.”

Textual Amendments

- F4** Sch. para. 28(a) revoked (3.12.2012) by [The Greenhouse Gas Emissions Trading Scheme \(Amendment\) \(Charging Schemes\) Regulations 2012 \(S.I. 2012/2788\)](#), regs. 1, **17(2)(c)**

Amendment to the Greenhouse Gas Emissions Trading Scheme Charging Scheme Regulations (Northern Ireland) 2010

29. The Greenhouse Gas Emissions Trading Scheme Charging Scheme Regulations (Northern Ireland) 2010 ^{M6} are amended as follows.

Marginal Citations

- M6** S.R. (N.I.) [2010 No. 151](#).

- 30.** In regulation 2 (interpretation), in the appropriate alphabetical order insert—
- ““trading scheme registry” means—
- (a) any registry operated by the Environment Agency for the purpose of meeting the requirements of Article 3(1) of Commission Regulation (EU) No 920/2010 for a standardised and secured system of registries pursuant to Directive [2003/87/EC](#) of the European Parliament and of the Council and Decision No [280/2004/EC](#) of the European Parliament and of the Council, as amended from time to time; or
 - (b) the Union registry referred to in Article 3(2) of that Regulation.”
- 31.** In regulation 4 (fees and charges in respect of greenhouse gas emissions permits)—
- (a) in the heading, omit “in respect of greenhouse gas emissions permits”;
 - (b) in paragraph (2), after subparagraph (g) insert—
 - “(h) charges in respect of any costs incurred by it in performing functions conferred by regulations made for the purpose of implementing Directive [2008/101/EC](#) of the European Parliament and of the Council amending Directive [2003/87/EC](#) so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community;
 - (i) charges in respect of the subsistence of an account required to be held in the trading scheme registry by an aircraft operator (“aircraft operator registry charges”).”
- 32.** In regulation 5 (trading scheme and registry charges)—
- (a) in paragraph (1)(a), after “registry charges” insert “or aircraft operator registry charges”;
 - (b) in paragraph (4) after “registry charges” insert “or aircraft operator registry charges”.

Transitional provisions: existing charging schemes

33. Subject to paragraphs 34 and 35, from the commencement of these Regulations any provisions of an existing scheme or an existing Northern Ireland scheme prescribing charges in respect of the subsistence or creation of an account in the UK registry (or of the updating of information provided in relation to such an account) continue to apply, but as if any reference in those provisions to the “registry” were a reference to the Union registry.

34. The modifications made by paragraph 33 have effect only from the date that the Union registry is capable of being used for the purposes specified in Article 3(2) of the Registries Regulation; and for the purposes of this paragraph—

- (a) notice of that date is to be published by the Secretary of State in such manner as the Secretary of State thinks fit; and
- (b) until that date, any reference in those provisions to the “registry” continues to be a reference to the UK registry.

35. Paragraph 33 ceases to have effect—

- (a) in respect of Northern Ireland, on the commencement of the provisions of a new Northern Ireland scheme that prescribe charges in respect of the matters mentioned in that paragraph;
- (b) in respect of the rest of the United Kingdom, on the commencement of the provisions of a new scheme that prescribe charges in respect of the matters mentioned in that paragraph.

36. In paragraphs 33 to 35 and this paragraph—

“existing Northern Ireland scheme” means a scheme in force made under the old regulation 4;

“existing scheme” means a scheme in force made under section 41 of the Environment Act 1995 as read with the old section 41A;

“new Northern Ireland scheme” means a scheme made under the new regulation 4;

“new scheme” means a scheme made under section 41 of the Environment Act 1995 as read with the new section 41A;

“new section 41A” means section 41A of the Environment Act 1995 as amended by paragraphs 21 to 23 (and “old section 41A” means that section as it had effect immediately before that amendment);

“new regulation 4” means regulation 4 of the Greenhouse Gas Emissions Trading Scheme Charging Scheme Regulations (Northern Ireland) 2010 as amended by paragraphs 29 to 32 of these Regulations (and “old regulation 4” means that regulation as it had effect immediately before that amendment);

“the Union registry” means the Union registry referred to in Article 3(2) of the Registries Regulation.

Transitional provisions: aviation

37. The Aviation Greenhouse Gas Emissions Trading Scheme Regulations 2010 are amended as follows.

38. For regulation 28 substitute—

“**28.**—(1) Schedule 1 (charging) has effect; but the provisions of paragraph 1 of that Schedule cease to have effect—

- (a) in respect of Northern Ireland, when they are superseded by a scheme made under the Greenhouse Gas Emissions Trading Scheme Charging Scheme Regulations (Northern Ireland) 2010 (“a Northern Ireland charging scheme”);
- (b) in respect of the rest of the United Kingdom, when they are superseded by a scheme made under section 41 of the Environment Act 1995 (“a charging scheme”).

(2) For that purpose, a provision is superseded by a Northern Ireland charging scheme or charging scheme respectively where such a scheme is in force that—

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- (a) specifies an amount in respect of the same activity as is mentioned in that provision, and
 - (b) states that the amount specified by that provision is superseded by the amount specified by the scheme.
- (3) Where a provision is superseded in accordance with paragraph (1), any reference in these Regulations to a fee in accordance with Schedule 1 is to be read as a reference to the amount specified by the scheme, and any reference in paragraphs 2 to 4 of Schedule 1 to a charge is to be read as a reference to that amount.”

Changes to legislation:

There are currently no known outstanding effects for the The Greenhouse Gas Emissions Trading Scheme (Amendment) (Registries and Fees etc.) Regulations 2011, SCHEDULE.