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STATUTORY INSTRUMENTS

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**2014 No. 3125**

**The Greenhouse Gas Emissions Trading  
Scheme (Amendment) Regulations 2014**

**Savings and transitional provisions: the 2010 Regulations**

**19.**—(1) In regulation 87(5), for “Regulations”, substitute “Subject to regulation 87AA, regulations”.

(2) After regulation 87A insert—

**“Obligations in relation to aviation emissions arising before 2013: deficits**

**87AA.**—(1) Paragraph (2) applies where—

- (a) a duty is imposed on a person (“P”) under regulation 26 of the 2010 Regulations;
- (b) the condition in regulation 87A(3) is satisfied; and
- (c) P fails to surrender sufficient allowances or project credits, contrary to regulation 26(1) of the 2010 Regulations.

(2) Where this paragraph applies, no duty arises to surrender allowances or project credits equal to the deficit to which regulation 26(2) of the 2010 Regulations applies, in so far as the duty to surrender arises in respect of P’s international emissions.

(3) Paragraph (4) applies where—

- (a) the regulator has given a person (“Q”)—
  - (i) a 2012 excess emissions penalty notice; and
  - (ii) a deficit notice; and
- (b) Q brings a 2012 excess emissions penalty notice appeal.

(4) Where this paragraph applies—

- (a) the 2012 excess emissions penalty appeal is deemed to include an appeal against the deficit notice; and
- (b) the bringing of the 2012 excess emissions penalty appeal suspends the operation of the deficit notice pending the final determination or withdrawal of the appeal.

(5) Where paragraph (4) applies, the appeal body may, in respect of the deficit notice—

- (a) affirm it;
- (b) quash all or part of it;
- (c) vary it; or
- (d) give directions to the regulator in relation to it.

(6) In this regulation—

- (a) “2012 excess emissions penalty appeal” means an appeal under regulation 52(3)(b) of the 2010 Regulations, against a 2012 excess emissions penalty notice;

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (b) “2012 excess emissions penalty notice” means a notice under regulation 30(1)(a) of the 2010 Regulations that P is liable to a civil penalty under regulation 38(1)(a) of the 2010 Regulations, for a failure to surrender sufficient allowances or project credits for the calendar year beginning on 1st January 2012;
- (c) “deficit notice” means a notice given under regulation 26(2)(a) of the 2010 Regulations; and
- (d) “international emissions” has the meaning given in regulation 87A(1).”.