
DRAFT STATUTORY INSTRUMENTS

2010 No.

The CRC Energy Efficiency Scheme Order 2010

PART 14

Civil penalties

Failures in respect of annual reports

- 97.**—(1) The penalties in the following paragraphs apply where a participant—
- (a) fails to provide an annual report contrary to article 47(1); or
 - (b) provides late an annual report contrary to article 47(2)(b).
- (2) The penalties are—
- (a) a financial penalty of £5000 and publication; and
 - (b) where the report is provided—
 - (i) no more than 40 days after the due date, a financial penalty of £500 for each day the report is provided after the due date; or
 - (ii) more than 40 days after the due date or not at all, a financial penalty of £40,000..
- (3) Paragraphs (4) and (5) apply where the annual report is provided more than 40 days after the due date or not at all.
- (4) Where this paragraph applies, the following additional penalties apply to the participant—
- (a) the CRC emissions of the participant for the year to which the annual report relates are—
 - (i) double the CRC emissions reported in the annual report of the previous year; or
 - (ii) where no such report exists, double the CRC emissions which the administrator calculates the participant made in the year for which the annual report is not provided;
 - (b) the participant must immediately acquire allowances and surrender them in accordance with Part 6 equal to the CRC emissions which apply under sub-paragraph (a) (or such additional allowances having regard to any allowances surrendered on time for the annual reporting year);
 - (c) a financial penalty of £40 per tCO₂ of so much of the CRC emissions which apply under sub-paragraph (a) but—
 - (i) deducting the emissions represented by those allowances (if any) which are surrendered by the participant on time for the year to which the annual report relates; and
 - (ii) before the doubling is applied;
 - (d) for the annual reporting year, the participant achieves the lowest ranking in the achievement and performance tables; and
 - (e) blocking.

(5) Where this paragraph applies and a participant—

- (a) fails to comply with paragraph (4)(b) by the 31st March after the annual report was due;
and
- (b) continues in the scheme,

the allowances required to be surrendered under paragraph (4)(b) are added to the quantity of allowances required to be surrendered in the next year that compliance with Part 6 is required.