
DRAFT STATUTORY INSTRUMENTS

2020 No.

The Greenhouse Gas Emissions Trading Scheme Order 2020

PART 6

Monitoring compliance

Powers of entry, etc.

- 40.**—(1) The regulator or an authorised person may—
- (a) enter any premises with a warrant issued in accordance with article 41, together with any equipment or material as may be required;
 - (b) when entering premises by virtue of sub-paragraph (a)—
 - (i) be accompanied by an authorised person and, if considered appropriate, a constable;
 - (ii) direct that any part of the premises be left undisturbed for so long as may be necessary;
 - (c) require any person believed to be able to give information relevant to an examination or investigation—
 - (i) to attend at a place and time specified by the regulator or authorised person;
 - (ii) to answer questions (in the absence of any person other than those whom the regulator or authorised person allows to be present and a person nominated by the person being asked questions);
 - (iii) to sign a declaration of truth of the answers given by that person;
 - (d) require the production of—
 - (i) records required to be kept under this Order;
 - (ii) other records which the regulator or authorised person considers it necessary to see for the purpose of an examination or investigation;
 - (iii) entries in a record referred to in this sub-paragraph;
 - (e) inspect and take copies of the records and entries referred to in sub-paragraph (d).
- (2) The powers in paragraph (1) may only be exercised where the regulator or an authorised person reasonably believes there has been a failure to comply with the requirements of this Order.
- (3) Except to the extent agreed by the person in control of a place or premises, the powers referred to in paragraph (1) do not apply in relation to—
- (a) a prohibited place for the purposes of the Official Secrets Act 1911; or
 - (b) any other premises to which the Crown restricts access on the ground of national security.
- (4) It is an offence for a person—
- (a) to fail to comply with a requirement imposed pursuant to this article; or
 - (b) to prevent any other person from—
 - (i) appearing before the regulator or an authorised person; or

- (ii) answering a question to which the regulator or authorised person requires an answer.
- (5) A person guilty of an offence under paragraph (4) is liable—
- (a) on summary conviction in England and Wales, to a fine;
 - (b) on summary conviction in Scotland or in Northern Ireland, to a fine not exceeding the statutory maximum;
 - (c) on conviction on indictment, to a fine.