
DRAFT STATUTORY INSTRUMENTS

2020 No.

The Greenhouse Gas Emissions Trading Scheme Order 2020

PART 8

Appeals

Right of appeal

- 70.**—(1) Subject to paragraph (3), the following may appeal to the appeal body—
- (a) a person who is aggrieved by a decision of the regulator determining an application made by the person under this Order;
 - (b) a person who is aggrieved by a notice given to the person, under a provision referred to in paragraph (2).
- (2) Those provisions are—
- (a) article 30(1) (refusal of application for an emissions monitoring plan);
 - (b) article 31(4), (5) or (6) (variation of an emissions monitoring plan);
 - (c) article 44(1) (enforcement notices);
 - (d) article 45(5) (determination of reportable emissions by regulator);
 - (e) article 47(3) or (7) (penalty notices);
 - (f) article 75(1) (information notices);
 - (g) paragraph 1(12) of Schedule 3 (application to be treated as being withdrawn);
 - (h) paragraph 6(4) or (5) of Schedule 6 (variation of permits);
 - (i) paragraph 10(2) of Schedule 6 (transfer of permits: underreporting discovered after transfer);
 - (j) paragraph 12(4) of Schedule 6 (revocation of permits);
 - (k) paragraph 23(1) or (2) of Schedule 7 (conversion notices);
 - (l) paragraph 7(2) of Schedule 8 (end of ultra-small emitter status);
 - (m) paragraph 1(3)(b) or (4)(b) of Schedule 11 (permits under GGETSR 2012).
- (3) An appeal under paragraph (1) may not be made to the extent that the decision implements—
- (a) a direction given under—
 - (i) section 40 of the Environment Act 1995(1);
 - (ii) section 52 of CCA 2008;
 - (iii) article 11 of the Natural Resources Body for Wales (Establishment) Order 2012(2);

(1) Section 40 was amended by S.I. 2011/1043 and 2013/755 and amended prospectively by S.I. 2019/458 with effect from IP completion day.

(2) S.I. 2012/1903 (W. 230).

- (iv) regulation 40 of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013⁽³⁾;
 - (b) a direction given by an appeal body under this Order.
- (4) To avoid doubt, no appeal may be brought under paragraph (1)(a) in respect of a preliminary assessment under—
- (a) paragraph 5(3) of Schedule 7;
 - (b) paragraph 3(3) of Schedule 8.

(3) S.R. (NI) 2013 No. 160.