



# Finance Act 2019

## 2019 CHAPTER 1

### PART 3

#### CARBON EMISSIONS TAX

##### *General*

#### 77 Interpretation

(1) In this Part—

“the Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs;

“emissions allowance” has the meaning given by section 73;

“emissions determination” has the meaning given by section 71;

“the Emissions Regulations” means the Greenhouse Gas Emissions Trading Scheme Regulations 2012 ([S.I. 2012/3038](#));

“emissions report” has the meaning given by section 72;

“enactment” includes an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978;

“HMRC” means Her Majesty’s Revenue and Customs;

“installation” has the meaning given by regulation 3 of the Emissions Regulations (and references to an installation include references to an offshore installation, as defined in those Regulations);

“the Monitoring and Reporting Regulation” means [Commission Regulation \(EU\) No 601/2012](#) of 21 June 2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive [2003/87/EC](#) of the European Parliament and of the Council (as amended from time to time);

“operator” has the meaning given by regulation 3 of the Emissions Regulations (as read with Schedule 1 to those Regulations);

“reporting period” has the meaning given by section 72 (subject to section [79\(4\)](#));

“specified” means specified in regulations under this Part;

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*Status: This is the original version (as it was originally enacted).*

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“the Verification Regulation” means [Commission Regulation \(EU\) No 600/2012](#) of 21 June 2012 on the verification of greenhouse gas emission reports and tonne-kilometre reports and the accreditation of verifiers pursuant to Directive [2003/87/EC](#) of the European Parliament and of the Council (as amended from time to time).

- (2) In this Part, the following terms have the meaning given by regulation 3 of the Emissions Regulations—
- “authority”,
  - “emissions”,
  - “excluded installation”,
  - “monitoring and reporting conditions”,
  - “monitoring and reporting requirements”,
  - “notice of surrender”,
  - “permit”,
  - “regulator”,
  - “revocation notice”,
  - “scheme year”, and
  - “tonne of carbon dioxide equivalent”.
- (3) An “installation” is a “regulated installation” for a reporting period if, at any time during the period, the operator holds a permit for the installation.
- (4) References in this Part to the Verification Regulation or the Monitoring and Reporting Regulation include references to any EU regulation which replaces either of them and forms part of the law of the United Kingdom as a result of section 3 of the European Union (Withdrawal) Act 2018 (and accordingly the reference in section 71(2)(a) to article 70 of the Monitoring and Reporting Regulation includes a reference to the corresponding provision in any such replacement of that Regulation).

## 78 Regulations

- (1) Regulations under section 73, 75 or 76 may—
- (a) make provision conferring functions or discretions on an authority, a regulator or any other person;
  - (b) impose charges as a means of recovering costs incurred by a person in exercising a function conferred under the regulations;
  - (c) make provision by reference to matters determined or published by HMRC, the Secretary of State, an authority or a regulator (whether before or after the regulations are made);
  - (d) make different provision for different purposes;
  - (e) include incidental, consequential, supplementary, transitional or transitory provision.
- (2) Regulations under this Part are to be made by statutory instrument.
- (3) A statutory instrument containing regulations under section 76(4) that makes provision amending or repealing any provision of an Act of Parliament may not be made unless a draft of the instrument has been laid before and approved by a resolution of the House of Commons.

- (4) Any other statutory instrument containing regulations under this Part is subject to annulment in pursuance of a resolution of the House of Commons.
- (5) But subsection (4) does not apply to a statutory instrument containing only regulations under section 79 (commencement).

## **79 Commencement and transitional provision**

- (1) This Part comes into force on such day as the Commissioners may by regulations appoint.
- (2) Regulations under subsection (1) may—
  - (a) appoint different days for different purposes;
  - (b) include transitional or transitory provision.
- (3) Section 72(2) (reporting period) is subject to subsection (4).
- (4) For the purposes of the application of this Part in relation to the scheme year 2019, the “reporting period”, in relation to a regulated installation, means—
  - (a) the period beginning with 1 April 2019 and ending with 31 December 2019, or
  - (b) such shorter period beginning on or after 1 April 2019 for which an emissions report is required by a notice of surrender or a revocation notice.
- (5) For the purposes of the scheme year 2019, the provisions of the Emissions Regulations, the Monitoring and Reporting Regulation and the Verification Regulation apply, and anything done under those provisions has effect—
  - (a) as if, for the purposes of reporting or determining emissions from an installation, references to a period corresponding to a scheme year were references to the reporting period for 2019 (and accordingly as if references to a period beginning with 1 January were references to a period beginning with 1 April 2019), and
  - (b) with such other modifications as are necessary for the purposes of the charge to carbon emissions tax for a reporting period beginning in 2019.