
STATUTORY INSTRUMENTS

2012 No. 3038

The Greenhouse Gas Emissions Trading Scheme Regulations 2012

PART 6

Information

Provision of information

45.—(1) An authority or the Secretary of State may, by notice served on a regulator (“R”), require R to furnish such information about the discharge of R’s functions as the authority or the Secretary of State may require.

(2) For the purposes mentioned in paragraph (4), an authority, the Secretary of State, the registry administrator, the KP registry administrator or a regulator (a “relevant body”) may, by notice served on any person, require that person (“P”) to furnish such information as is specified in the notice, in such form and within such period following service of the notice or at such time as is so specified.

(3) The information which P may be required to furnish by a notice under paragraph (2) includes information, which, although it is not in P’s possession or would not otherwise come into P’s possession, is information which it is reasonable to require P to compile for the purpose of complying with the notice.

(4) The purposes referred to in paragraph (2) are—

- (a) the discharge of the relevant body’s functions; and
- (b) applying, seeking to apply, or assessing whether to seek to apply emission allowance trading to activities or greenhouse gases which are not listed in Annex 1 to the Directive, in accordance with Article 24 of the Directive.

(5) Where the Secretary of State is entitled to serve a notice on a person under paragraph (2)—

- (a) in relation to England^{F1} ..., the regulator, and
- (b) in relation to [^{F2}Wales,] Scotland and Northern Ireland, the regulator or the Environment Agency,

may serve that notice for the purpose of assisting the Secretary of State.

(6) In this regulation, “functions” means functions under or by virtue of—

- (a) these Regulations;
- (b) the Monitoring and Reporting Regulation;
- (c) the Verification Regulation;
- (d) the Registries Regulation 2010; or
- (e) the Registries Regulation [^{F3}2013].

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Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Greenhouse Gas Emissions Trading Scheme Regulations 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F1** Words in reg. 45(5)(a) omitted (1.4.2013) by virtue of [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 4 para. 422(2)** (with Sch. 7)
- F2** Word in reg. 45(5)(b) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 4 para. 422(3)** (with Sch. 7)
- F3** Word in reg. 45(6)(e) substituted (31.1.2014) by [The Greenhouse Gas Emissions Trading Scheme and National Emissions Inventory \(Amendment\) Regulations 2013 \(S.I. 2013/3135\)](#), regs. 1, **5(4)**

Disclosure of information

46.—(1) Subject to paragraph (2) a relevant body (within the meaning of regulation 45(2)) must not disclose or publish any information provided to the relevant body under these Regulations except where—

- (a) disclosure or publication is—
- (i) required in these Regulations or otherwise by law;
 - (ii) necessary for the performance of the relevant body's functions (as defined by regulation 45(6)); [^{F4}or]
 - (iii) made with the consent of the person by or on behalf of whom the information was provided; or
 - [^{F5}(iv) necessary for the performance of the Environment Agency's functions in England under the Emissions Performance Standard Regulations 2015; or]
 - [^{F6}(iv) necessary for the performance of the NRBW's functions in Wales under the Emissions Performance Standard (Enforcement) (Wales) Regulations 2015.]
 - [^{F7}(v) necessary for the performance of the chief inspector's functions in Northern Ireland under the Emissions Performance Standard Monitoring and Enforcement Regulations (Northern Ireland) 2016; or]
- (b) disclosure is between one relevant body and another.

(2) The Secretary of State may use any information held or obtained for the purposes of these Regulations, and may share such information with other government bodies, for the purpose of preparing and publishing national energy and emissions statistics, including the preparation and publication of a national inventory.

(3) For the purpose of paragraph (2), “national inventory” means the estimation, under Article 4(1)(a) of the United Nations Framework Convention on Climate Change ^{F8}, of anthropogenic emissions of greenhouse gases by sources and removals of all greenhouse gases by sinks not controlled by the Montreal Protocol.

Textual Amendments

- F4** Word in reg. 46(1)(a)(ii) omitted (E.) (25.3.2015) by virtue of [The Emissions Performance Standard Regulations 2015 \(S.I. 2015/933\)](#), regs. 1(1), **20(1)** and word in reg. 46(1)(a)(ii) omitted (W.) (8.7.2015) by virtue of [The Emissions Performance Standard \(Enforcement\) \(Wales\) Regulations 2015 \(S.I. 2015/1388\)](#), regs. 1(2), **14(1)**
- F5** Reg. 46(1)(a)(iv) inserted (E.) (25.3.2015) by [The Emissions Performance Standard Regulations 2015 \(S.I. 2015/933\)](#), regs. 1(1), **20(2)**
- F6** Reg. 46(1)(a)(iv) inserted (W.) (8.7.2015) by [The Emissions Performance Standard \(Enforcement\) \(Wales\) Regulations 2015 \(S.I. 2015/1388\)](#), regs. 1(2), **14(2)**

- F7** [Reg. 46\(1\)\(a\)\(v\)](#) inserted (N.I.) (15.3.2016) by [The Emissions Performance Standard Monitoring and Enforcement Regulations \(Northern Ireland\) 2016 \(S.R. 2016/28\)](#), regs. 1, **15**
- F8** Cm 2833.

National security

47.—(1) No information may be published—

- (a) by the Secretary of State under regulation 16(6), paragraph 8 of Schedule 7 or paragraph 8 of Schedule 8, or
- (b) by the regulator under regulation 71,

if, in the opinion of the Secretary of State, the publication of that information would be contrary to the interests of national security.

(2) For the purposes of paragraph (1)(b), the Secretary of State may give to the regulator directions specifying information which may not be published under regulation 71.

(3) The regulator must notify the Secretary of State of any information which is excluded from publication in accordance with directions under paragraph (2).

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