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STATUTORY INSTRUMENTS

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**2012 No. 3038**

The Greenhouse Gas Emissions  
Trading Scheme Regulations 2012

PART 8

Appeals

CHAPTER 1

General

**Rights of appeal**

**73.**—(1) Subject to paragraph (3), the following persons may appeal to the appeal body—

- (a) a person who is aggrieved by a decision determining any application made by them under these Regulations;
- (b) a person who is aggrieved by a notice served on them under any provision mentioned in paragraph (2).

(2) Those provisions are—

- (a) regulation 11(2), (3)(b) or (4);
- (b) regulation 14(1);
- (c) regulation 26(2);
- (d) regulation 37(1), (2)(b) or (3);
- (e) regulation 43(1);
- (f) regulation 44(4);
- (g) regulation 45(2);
- (h) regulation 50(1) or (3);
- (i) paragraph 8(1) or (4) of Schedule 5;
- (j) paragraph 6(7)(a) of Schedule 6, in relation to a decision to make a request under paragraph 6(5)(a) or (b) of that Schedule;
- (k) paragraph 7(11)(a) of Schedule 6, in relation to a decision to make a request under paragraph 7(9)(a) of that Schedule;
- (l) paragraph 7(11)(b) of Schedule 6;
- (m) paragraph 8(11)(a) of Schedule 6, in relation to a decision to make a request under paragraph 8(9)(a) or (b) of that Schedule;
- (n) paragraph 11(2) of Schedule 6;
- (o) paragraph 10(2) of Schedule 7.

(3) An appeal under paragraph (1) may not be made to the extent that the decision implements—

- (a) a direction given by the authority under section 40 of the Environment Act 1995 or regulation 37 of the Northern Ireland Regulations<sup>(1)</sup>, or
- (b) a direction given by an appeal body under these Regulations.

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<sup>(1)</sup> Regulation 37 is modified by regulation 7(2) of these Regulations.