
STATUTORY INSTRUMENTS

2012 No. 3038

The Greenhouse Gas Emissions
Trading Scheme Regulations 2012

PART 10

Supplementary

Recovery of fees

- 82.**—(1) In this regulation “allowances” includes aviation allowances.
- (2) Any fee payable by virtue of these Regulations may be recovered by the regulator—
- (a) as a civil debt; or
 - (b) by the seizure and sale of a number of allowances held by the operator or UK administered operator liable to the fee (“the debtor”) in accordance with paragraph (3).
- (3) Where the regulator proposes to recover an unpaid fee by the seizure and sale of allowances held by the debtor, the regulator must—
- (a) notify the registry administrator and the debtor;
 - (b) instruct the registry administrator to transfer a number of allowances sufficient to cover the unpaid fee, and any expenses incurred in recovering it from the debtor, to the regulator's person holding account in the Union Registry;
 - (c) sell the allowances transferred under sub-paragraph (b) for the best price that can reasonably be obtained, though a failure to do so does not make a sale under this paragraph void or voidable; and
 - (d) apply the proceeds of sale in the following order—
 - (i) in payment of the unpaid fee in respect of which the allowances were seized and sold;
 - (ii) in payment of any expenses incurred by the regulator in seizing and selling the allowances,and pay any residue from the proceeds of sale to the debtor.

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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations modified by [2019 c. 1 s. 79\(5\)](#)
- Regulations modified by [S.I. 2020/1369 reg. 45](#)
- Regulations revoked in part by [S.I. 2021/511 reg. 12](#)
- reg. 82 substituted by [S.I. 2020/1369 reg. 34](#)
- reg. 82(1) omitted by [S.I. 2019/107 reg. 50\(a\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))
- reg. 82(2)(a) word omitted by [S.I. 2019/107 reg. 50\(b\)\(i\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))
- reg. 82(2)(b) omitted by [S.I. 2019/107 reg. 50\(b\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))
- reg. 82(3) omitted by [S.I. 2019/107 reg. 50\(c\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 4 para. 3(2A) inserted by [S.I. 2019/107 reg. 54\(c\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))
- Sch. 4 para. 4(1A) inserted by [S.I. 2019/107 reg. 54\(d\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))
- Sch. 4 para. 5(1A) inserted by [S.I. 2019/107 reg. 54\(e\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))
- Sch. 5 para. 6(2A) inserted by [S.I. 2019/107 reg. 55\(d\)\(i\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))
- Sch. 5 para. 7(A1) inserted by [S.I. 2019/107 reg. 55\(e\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))
- Sch. 5 para. 6(2A)(2B) inserted by [S.I. 2019/1440 reg. 29\(8\)\(d\)](#)
- Sch. 5 para. 7(8) inserted by [S.I. 2019/1440 reg. 29\(9\)\(e\)](#)
- Sch. 5 para. 8(6A) inserted by [S.I. 2019/1440 reg. 29\(10\)\(c\)](#)
- Sch. 5A inserted by [S.I. 2019/1440 Sch.](#)
- Sch. 5A para. 5(4) word omitted (cond.) by virtue of S.I. 2019/1440, Sch. (as amended) by [S.I. 2020/18 reg. 16\(2\)](#)
- Sch. 5A para. 5(3) words substituted (cond.) by S.I. 2019/1440, Sch. (as amended) by [S.I. 2020/18 reg. 16\(2\)](#)
- Sch. 6 para. 1A(1)(e) inserted by [S.I. 2019/107 reg. 56\(d\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))
- reg. 1A inserted by [S.I. 2020/1369 reg. 3](#)

- reg. 3(1A)-(1C) inserted by [S.I. 2019/644 reg. 2\(3\)](#)
- reg. 3(2)(ba) inserted by [S.I. 2019/1440 reg. 3\(3\)\(b\)\(ii\)](#)
- reg. 8(9)(10) omitted by [S.I. 2020/1369 reg. 6\(e\)](#)
- reg. 8(10) inserted by [S.I. 2019/1440 reg. 4\(5\)](#)
- reg. 9(1) reg. 9 renumbered as reg. 9(1) by [S.I. 2019/1440 reg. 5\(2\)](#)
- reg. 9(2) inserted by [S.I. 2019/1440 reg. 5\(3\)](#)
- reg. 10(3A) inserted by [S.I. 2019/1440 reg. 6\(3\)](#)
- reg. 12A inserted by [S.I. 2020/1369 reg. 8](#)
- reg. 13(1A) inserted by [S.I. 2020/1369 reg. 9\(a\)](#)
- reg. 14(1)(b)(i) words substituted in earlier amending provision [S.I. 2019/1440](#), reg. 10 by [S.I. 2020/1369 reg. 44\(c\)](#)
- reg. 15(A1)-(C1) inserted by [S.I. 2019/1440 reg. 11\(3\)](#)
- reg. 15(C1) words substituted (temp.) by [S.I. 2019/1440](#), reg. 11(3) (as amended) by [S.I. 2020/18 reg. 12\(2\)](#)
- reg. 15A inserted by [S.I. 2019/1440 reg. 12](#)
- reg. 22(1A) inserted by [S.I. 2019/107 reg. 11\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). [S.I. 2019/107](#) revoked immediately before IP completion day by [S.I. 2020/1369](#), regs. 1(2), 43(a))
- reg. 23(5) inserted by [S.I. 2019/107 reg. 12](#) (This amendment not applied to [legislation.gov.uk](#). [S.I. 2019/107](#) revoked immediately before IP completion day by [S.I. 2020/1369](#), regs. 1(2), 43(a))
- reg. 44(5A)-(5D) inserted by [S.I. 2019/1440 reg. 18\(5\)](#)
- reg. 44(5A) words omitted by [S.I. 2020/1369 reg. 12\(c\)](#)
- reg. 44(5C)(a) words omitted by [S.I. 2020/1369 reg. 12\(d\)\(i\)](#)
- reg. 44(5C)(b) words omitted by [S.I. 2020/1369 reg. 12\(d\)\(ii\)](#)
- reg. 44(5D)(a) words omitted by [S.I. 2020/1369 reg. 12\(e\)](#)
- reg. 45(6)(f) and word inserted by [S.I. 2019/1440 reg. 19\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). Regs. 19(c) omitted immediately before IP completion day by virtue of [S.I. 2020/1369](#), regs. 1(2), 44(e))
- reg. 45(6)(ea) and word inserted by [S.I. 2020/1369 reg. 13\(d\)](#)
- reg. 52(2A) inserted by [2019 c. 1 s. 76\(2\)](#)
- reg. 53A inserted by [S.I. 2020/1369 reg. 19](#)
- reg. 54(2A) inserted by [S.I. 2019/1440 reg. 20\(2\)](#)
- reg. 54(2A)(a)(b) omitted by [S.I. 2020/1369 reg. 20\(b\)](#)
- reg. 54(7)(ca) inserted by [S.I. 2019/1440 reg. 20\(6\)\(b\)](#)
- reg. 54(7)(ca)(i) words omitted by [S.I. 2020/1369 reg. 20\(c\)\(ii\)\(aa\)](#)
- reg. 54(7)(ca)(ii) omitted by [S.I. 2020/1369 reg. 20\(c\)\(ii\)\(bb\)](#)
- reg. 54(9)(10) inserted by [S.I. 2019/1440 reg. 20\(7\)](#)
- reg. 58ZA58ZB inserted by [S.I. 2019/1440 reg. 22](#)
- reg. 58ZB(4) word substituted (cond.) by [S.I. 2019/1440](#), reg. 22 (as amended) by [S.I. 2020/18 reg. 13\(2\)\(a\)](#)
- reg. 58ZB(4) words omitted in earlier amending provision [S.I. 2019/1440](#), reg. 22 by [S.I. 2020/1369 reg. 44\(f\)](#)
- reg. 58ZB(5)(b) word omitted (cond.) by virtue of [S.I. 2019/1440](#), reg. 22 (as amended) by [S.I. 2020/18 reg. 13\(2\)\(b\)\(ii\)](#)
- reg. 58ZB(5)(b) words inserted (cond.) by [S.I. 2019/1440](#), reg. 22 (as amended) by [S.I. 2020/18 reg. 13\(2\)\(b\)\(i\)](#)
- reg. 80(A1) inserted by [S.I. 2019/107 reg. 48\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). [S.I. 2019/107](#) revoked immediately before IP completion day by [S.I. 2020/1369](#), regs. 1(2), 43(a))
- reg. 84A inserted by [S.I. 2019/1440 reg. 25](#)
- reg. 84A omitted by [S.I. 2020/1369 reg. 36](#)
- reg. 87B(5)(ea) inserted by [S.I. 2019/1440 reg. 26\(3\)\(c\)](#)

- reg. 90 inserted by [S.I. 2019/107 reg. 53](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2019/107 revoked immediately before IP completion day by S.I. 2020/1369, regs. 1(2), 43(a))