
STATUTORY INSTRUMENTS

2013 No. 508

**The Climate Change Agreements (Administration)
(Miscellaneous Amendments) Regulations 2013**

Regulation 15

5.—(1) Regulation 15 is amended as follows.

(2) After paragraph (1), insert—

“(1A) This paragraph applies in respect of a penalty that may be imposed under paragraph (1)(a), (c) or (d) on—

- (a) the operator of a target unit which does not include a greenfield facility; or
- (b) the operator of a target unit which includes a greenfield facility, if the penalty notice is served at any time after the expiry of the 12 month period starting on the date of an underlying agreement.”.

(3) At the beginning of paragraph (2), insert “If paragraph (1A) applies,”.

(4) After paragraph (2), insert—

“(2A) This paragraph applies in respect of a penalty which may be imposed under paragraph (1)(a), (c) or (d) on the operator of a target unit which includes a greenfield facility, if the penalty notice is served at any time during the 12 month period starting on the date of an underlying agreement.

(2B) If paragraph (2A) applies, the amount of the financial penalty that may be imposed under paragraph (1)(a), (c) or (d) is the greater of—

- (a) £250; or
- (b) $0.1 \times (A - B)$.

(2C) In paragraph (2B)—

- (a) A represents the administrator’s reasonable estimation of the amount of levy that would be payable on supplies of taxable commodities to the target unit during a 12 month period starting on the date of the underlying agreement if the supplies were not reduced rate supplies; and
- (b) B represents the administrator’s reasonable estimation of the amount of levy that would be payable on supplies of taxable commodities to the target unit during a 12 month period starting on the date of the underlying agreement if the supplies were reduced rate supplies.”.

(5) In paragraph (3)(b), for “tCO₂”, substitute “tCO₂ equivalent”.