
STATUTORY INSTRUMENTS

2019 No. 1440

**The Greenhouse Gas Emissions Trading
Scheme (Amendment) (No. 3) Regulations 2019**

Amendment of regulation 44

18.—(1) Regulation 44 is amended as follows.

(2) In paragraph (1)—

- (a) in the words before sub-paragraph (a), after “Regulation”, insert “ 2018 ”.
- (b) after sub-paragraph (b), insert “ or ”;
- (c) omit sub-paragraph (c).

(3) In paragraph (4)(b), before “is to be treated”, insert “ except where paragraph (5B) applies to that determination, ”.

(4) In paragraph (5)—

- (a) in the words before sub-paragraph (a), after “(4)”, insert “or under paragraph (5C)(a);
- (b) in sub-paragraph (a), for “excluded” substitute “ Article 27 ”;
- (c) in sub-paragraph (b), after “Regulation”, insert “ 2018 ”.

(5) After paragraph (5), insert—

“(5A) Paragraph (5B) applies where –

- (a) a determination of emissions has been notified to the operator or UK aircraft operator under paragraph (4); and
- (b) the regulator is satisfied that there is a defect in the estimate of the reportable emissions in that determination.

(5B) The regulator must withdraw the determination and make a further determination of emissions (the “rectified determination”).

(5C) A rectified determination—

- (a) must be notified to the operator or UK aircraft operator concerned; and
- (b) is to be treated as determining all of the reportable emissions from the installation (or of the UK aircraft operator) for the period to which the determination relates.

(5D) Where—

- (a) any rectified determination is notified to the operator or UK aircraft operator concerned; and
- (b) the regulator is satisfied that there is a defect in the estimate of the reportable emissions in that determination,

the regulator must withdraw the rectified determination and make one or more further rectified determinations.”.

(6) In paragraph (6), after “Regulation”, insert “ 2018 ”.

Changes to legislation: There are currently no known outstanding effects for the The Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 3) Regulations 2019, Section 18. (See end of Document for details)

.....

Commencement Information

- I1** [Reg. 18\(1\)\(2\)\(6\)](#) in force at 1.1.2021, see [reg. 1\(4\)](#)
- I2** [Reg. 18\(3\)-\(5\)](#) in force at 21.11.2019, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 3) Regulations 2019, Section 18.