

STATUTORY INSTRUMENTS

2019 No. 1440

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

Amendment of regulation 87B

26.—(1) Regulation 87B ^{M1} is amended as follows.

(2) For paragraphs (1) and (2) substitute—

“(1) Where paragraph (2) applies, a person (“P”) is not liable to an excess emissions penalty for a failure to surrender allowances in respect of those reportable emissions in a relevant year (“Y”) that exceed P's verified annual reportable emissions for that year.

(2) This paragraph applies where—

- (a) the regulator becomes aware that P's reportable emissions in Y exceed P's verified annual reportable emissions in respect of that year; and
- (b) P failed to surrender a number of allowances equal to the unreported emissions by 30th April in the year following Y.”.

(3) In paragraph (5)—

- (a) omit sub-paragraph (b);
- (b) omit sub-paragraph (d);
- (c) after sub-paragraph (e), insert—

“(ea) “verified annual reportable emissions” means—

- (i) reportable emissions that are verified pursuant to regulation 10 of the 2005 Regulations ^{M2} or regulation 21 of the 2010 Regulations ^{M3};
- (ii) reportable emissions that are determined by the regulator under regulation 30 of the 2005 Regulations or regulation 22 of the 2010 Regulations;”.

Commencement Information

II Reg. 26 in force at 21.11.2019, see [reg. 1\(2\)](#)

Marginal Citations

M1 [Regulation 87B](#) was inserted by [S.I. 2013/3135](#).

M2 [S.I. 2005/925](#), revoked by [S.I. 2012/3038](#).

M3 [S.I. 2010/1996](#), revoked by [S.I. 2012/3038](#).

Changes to legislation:

There are currently no known outstanding effects for the The Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 3) Regulations 2019, Section 26.