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STATUTORY INSTRUMENTS

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**2020 No. 1265**

**The Greenhouse Gas Emissions Trading Scheme Order 2020**

**PART 7**

**Enforcement**

**CHAPTER 2**

**Civil penalties**

**Penalty notices: supplementary**

**48.**—(1) Subject to paragraph (3), a penalty notice imposing a civil penalty under any of articles 50 to 68 (the “relevant provision”) may set out—

- (a) a non-escalating penalty of an amount lower than the amount referred to in the relevant provision;
- (b) where the civil penalty consists of both a non-escalating penalty and a daily penalty—
  - (i) a daily penalty based on a daily rate of an amount lower than the amount referred to in the relevant provision; or
  - (ii) no daily penalty.

(2) Subject to paragraphs (3) and (4), the regulator may, by giving notice to the person to whom a penalty notice is given—

- (a) extend the due date for payment set out in the penalty notice;
- (b) amend the penalty notice by substituting a lower non-escalating penalty or a daily penalty based on a lower daily rate;
- (c) withdraw the penalty notice.

(3) Paragraphs (1) and (2) do not apply to—

- (a) a penalty notice imposing the excess emissions penalty referred to in article 52;
- (b) a penalty notice imposing a civil penalty under article 54, except where paragraph (3) of that article applies;
- (c) a penalty notice imposing a civil penalty under article 59.

(4) But the regulator may withdraw a penalty notice referred to in paragraph (3) if there is an error in the notice (including an error in the basis on which the civil penalty imposed by the notice is calculated).