
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 151

ENVIRONMENTAL PROTECTION

**The Greenhouse Gas Emissions Trading Scheme
Charging Scheme Regulations (Northern Ireland) 2010**

Made - - - - *13th April 2010*
Coming into operation *7th May 2010*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by Article 4 of the Environment (Northern Ireland) Order 2002⁽¹⁾.

In accordance with Article 4(4) of that Order the Department has consulted district councils and such other bodies or persons appearing to it to be representative of the interests of district councils as it considers appropriate, such bodies or persons appearing to it to be representative of the interests of industry, agriculture and business as it considers appropriate and such other bodies or persons as it considers appropriate.

Citation and commencement

1. These Regulations may be cited as the Greenhouse Gas Emissions Trading Scheme Charging Scheme Regulations (Northern Ireland) 2010 and shall come into operation on 7th May 2010.

Commencement Information

II Reg. 1 in operation at 7.5.2010, see [reg. 1](#)

Interpretation

2. In these Regulations—

^{F1}...(2)

“chief inspector” means the chief inspector constituted under regulation 8(3) of the Pollution Prevention and Control Regulations (Northern Ireland) 2003⁽³⁾;

(1) S.I. 2002/3153 (N.I. 7)
(2) S.I. 2005/925
(3) S.R. 2003/46

Status: Point in time view as at 31/01/2014.

Changes to legislation: There are currently no known outstanding effects for the The Greenhouse Gas Emissions Trading Scheme Charging Scheme Regulations (Northern Ireland) 2010. (See end of Document for details)

“the Directive” means Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC^[F2], as amended from time to time^[4];

^[F3]“the Registries Regulation 2013” means Commission Regulation (EU) No 389/2013 establishing a Union Registry pursuant to Directive 2003/87/EC of the European Parliament and of the Council, Decisions No 290/204/EC and No 406/2009/EC of the European Parliament and of the Council and repealing Commission Regulations (EU) No 920/2010 and No 1193/2011, as amended from time to time;]

“greenhouse gas emissions permit” means a permit granted under regulation 9 of the 2005 Regulations.

^[F4]“trading scheme registry” means any registry operated by the Environment Agency for the purpose of meeting the obligations of the United Kingdom referred to in Articles 4(3) and 5(1) of the Registries Regulation 2013.]

- F1 Words in reg. 2 omitted (3.12.2012) by virtue of The Greenhouse Gas Emissions Trading Scheme (Amendment) (Charging Schemes) Regulations 2012 (S.I. 2012/2788), regs. 1, 14(a)
- F2 Words in reg. 2 inserted (3.12.2012) by The Greenhouse Gas Emissions Trading Scheme (Amendment) (Charging Schemes) Regulations 2012 (S.I. 2012/2788), regs. 1, 14(b)
- F3 Words in reg. 2 substituted (31.1.2014) by The Greenhouse Gas Emissions Trading Scheme and National Emissions Inventory (Amendment) Regulations 2013 (S.I. 2013/3135), regs. 1, 17(2)
- F4 Words in reg. 2 substituted (31.1.2014) by The Greenhouse Gas Emissions Trading Scheme and National Emissions Inventory (Amendment) Regulations 2013 (S.I. 2013/3135), regs. 1, 17(3)

Commencement Information

- I2 Reg. 2 in operation at 7.5.2010, see reg. 1

The enforcing authority

3. Functions conferred by these regulations on the enforcing authority shall be functions of the chief inspector.

Commencement Information

- I3 Reg. 3 in operation at 7.5.2010, see reg. 1

Fees and charges

^[F5]4.—(1) There shall be charged by and paid to the enforcing authority such fees and charges as may be prescribed by a scheme under paragraph (2) (whether by being specified in or made calculable under the scheme).

- (2) ^{F6}...
- ^{F6}(a)
- ^{F6}(b)
- ^{F6}(c)
- ^{F6}(d)

(4) OJNo. L 275, 25.10.03, p. 32. The Directive is amended by Directive 204/101/EC, OJ No. L 338, 13.11.2004, p. 18.

- F6(e)
- F6(f)
- (g) [F7 charges (“registry charges”) in respect of—
 - F8(i)
 - (ii) the subsistence of such an account;
 - (iii) the updating of information provided to the Environment Agency in relation to such an account]
- (h) [F9 fees or charges in respect of any costs incurred by the enforcing authority in performing any functions conferred under or by virtue of regulations made for the purpose of implementing the Directive]
- (i) charges in respect of the subsistence of an account required to be held in the trading scheme registry by an aircraft operator (“aircraft operator registry charges”).
- (3) A scheme under paragraph (2) may, in particular—
 - (a) provide for the times at which and the manner in which the payments required by the scheme are to be made (subject to the requirements in [F10 regulations made for the purpose of implementing the Directive] as to the times at which payment is required); and
 - (b) make such incidental, supplementary and transitional provisions as appears to the Department to be appropriate.
- (4) The Department, in framing a scheme under paragraph (2) shall, so far as practicable, secure that the fees and charges payable under the scheme are sufficient, taking one year with another, to cover the expenditure incurred by the enforcing authority in exercising [F11 the functions referred to in paragraph (2)(h)] .]

- F5 Words in reg. 4 heading omitted (1.1.2012) by virtue of The Greenhouse Gas Emissions Trading Scheme (Amendment) (Registries and Fees etc.) Regulations 2011 (S.I. 2011/2911), reg. 1(1), **Sch. para. 31(a)** (with paras. 33-36)
- F6 Reg. 4(2)(a)-(f) omitted (3.12.2012) by virtue of The Greenhouse Gas Emissions Trading Scheme (Amendment) (Charging Schemes) Regulations 2012 (S.I. 2012/2788), regs. 1, **15(1)(a)(i)**
- F7 Reg. 4(2)(g) substituted (3.12.2012) by The Greenhouse Gas Emissions Trading Scheme (Amendment) (Charging Schemes) Regulations 2012 (S.I. 2012/2788), regs. 1, **15(1)(a)(ii)**
- F8 Reg. 4(2)(i) omitted (3.12.2012) by virtue of The Greenhouse Gas Emissions Trading Scheme (Amendment) (Charging Schemes) Regulations 2012 (S.I. 2012/2788), regs. 1, **15(1)(a)(iv)**
- F9 Reg. 4(2)(h) substituted (3.12.2012) by The Greenhouse Gas Emissions Trading Scheme (Amendment) (Charging Schemes) Regulations 2012 (S.I. 2012/2788), regs. 1, **15(1)(a)(iii)**
- F10 Words in reg. 4(3) substituted (3.12.2012) by The Greenhouse Gas Emissions Trading Scheme (Amendment) (Charging Schemes) Regulations 2012 (S.I. 2012/2788), regs. 1, **15(1)(b)**
- F11 Words in reg. 4(4) substituted (3.12.2012) by The Greenhouse Gas Emissions Trading Scheme (Amendment) (Charging Schemes) Regulations 2012 (S.I. 2012/2788), regs. 1, **15(1)(c)**

Commencement Information

- I4 Reg. 4 in operation at 7.5.2010, see **reg. 1**

Trading scheme registry charges

- 5.—(1) If the Environment Agency (the Agency)—
 - (a) proposes to [F12 prescribe registry charges, or to amend any provision for such charges included in a charging scheme made under section 41A of the Environment Act 1995] and

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(b) notifies the Department of its proposals, the Department shall include in a scheme provision giving effect to the proposals.

(2) If the Agency revises any proposals of which it has given notification under sub-paragraph (1), and notifies the Department accordingly, the obligation imposed by that sub-paragraph applies in relation to the proposals as revised.

(3) A notification under sub-paragraph (1) or (2) shall include details of the amount of the proposed charges.

(4) The enforcing authority shall pass on to the Agency any [^{F13}registry charges] that it receives.

- F12** Words in [reg. 5\(1\)\(a\)](#) substituted (3.12.2012) by [The Greenhouse Gas Emissions Trading Scheme \(Amendment\) \(Charging Schemes\) Regulations 2012 \(S.I. 2012/2788\)](#), regs. 1, **15(2)(a)**
- F13** Words in [reg. 5\(4\)](#) substituted (3.12.2012) by [The Greenhouse Gas Emissions Trading Scheme \(Amendment\) \(Charging Schemes\) Regulations 2012 \(S.I. 2012/2788\)](#), regs. 1, **15(2)(b)**

Commencement Information

- I5** Reg. 5 in operation at 7.5.2010, see [reg. 1](#)

Sealed with the Official Seal of the Department of the Environment on 13th April 2010



Denis McMahon
A senior officer of the Department of the
Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations provide the framework of a charging scheme to enable the Northern Ireland Environment Agency to recover its costs for regulating the EU Emissions Trading Scheme.

Regulation 3 provides that under these regulations the functions of the enforcing authority are those of the chief inspector.

Regulation 4 provides that the Department may make, and from time to time revise, a charging scheme prescribing fees and charges for certain listed purposes related to the regulation of greenhouse gas permits and that the fees and charges shall be payable to the enforcing authority. It also provides that the scheme will prescribe the times and manner in which payments required by the scheme are made, subject to the requirements in the Greenhouse Gas Emissions Trading Scheme Regulations 2005.

Regulation 5 provides that where the Environment Agency proposes to prescribe operator registry charges these charges will be included in a scheme provision giving effect to the proposals. Any operator registry charges that the enforcing authority receives will be passed on to the Agency.

An impact assessment of the effect that this instrument will have on the costs of business is available from the Department of the Environment, Calvert House, 23 Castle Place, Belfast BT1 1FY.

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