

## SCHEDULES

### SCHEDULE 1

#### PARTICULAR PURPOSES FOR WHICH PROVISION MAY BE MADE UNDER SECTION 2

#### PART II

##### SUPPLEMENTARY PROVISIONS

##### *Particular types of pollution*

- 21 The regulations may provide for specified provisions of the regulations to have effect in relation only to such environmental pollution as is specified.

##### *[<sup>F1</sup>Emissions quota trading schemes: penalties*

##### **Textual Amendments**

- F1** Sch. 1 para. 21A and preceding cross-heading inserted (13.11.2003) by [Waste and Emissions Trading Act 2003 \(c. 33\)](#), ss. 38, 40

- 21A (1) The regulations may authorise the inclusion in a trading scheme of—
- (a) provision for penalties in respect of contraventions of provisions of the scheme;
  - (b) provision for the amount of any penalty under the scheme to be such as may be set out in, or calculated in accordance with—
    - (i) the scheme, or
    - (ii) the regulations (including regulations made after the scheme).
- (2) In this paragraph “ trading scheme ” means a scheme of the kind mentioned in paragraph 1(3). ]

##### *Determination of matters by regulators*

- 22 The regulations may make provision for anything which, by virtue of paragraphs 5 to 8, could be provided for by the regulations to be determined under the regulations by regulators.

##### *Imposition of conditions*

- 23 In connection with the determination of conditions as mentioned in paragraph 6(3)
- (a) the regulations may in particular provide—
    - (a) for such conditions to be determined in the light of any specified general principles and any directions or guidance given under the regulations;

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- (b) for such guidance to include guidance sanctioning reliance by a regulator on any arrangements referred to in the guidance to operate to secure a particular result as an alternative to imposing a condition.

#### *Charging schemes*

- 24 The regulations may—
- (a) require any such scheme as is mentioned in paragraph 9<sup>[F2, 9A]</sup> or 10 to be so framed that the fees and charges payable under the scheme are sufficient, taking one year with another, to cover such expenditure (whether or not incurred by the regulator or other person to whom they are so payable) as is specified;
- (b) authorise any such scheme to make different provision for different cases (and specify particular kinds of such cases).

#### **Textual Amendments**

- F2** Word in Sch. 1 para. 24 inserted (21.4.2005) by [The Greenhouse Gas Emissions Trading Scheme Regulations 2005 \(S.I. 2005/925\)](#), art. 1, **Sch. 6 para. 2(2)(b)** (with reg. 3)

#### *Offences*

- 25 (1) The regulations may provide for any such offence as is mentioned in paragraph 17 to be triable—
- (a) only summarily; or
- (b) either summarily or on indictment.
- (2) The regulations may provide for such an offence to be punishable—
- (a) on summary conviction by—
- (i) imprisonment for a term not exceeding such period as is specified (which may not exceed <sup>[F3]</sup>six months<sup>[F3]</sup><sup>[F4]</sup>12 months<sup>[F4]</sup> the general limit in a magistrates' court<sup>[F4]</sup>), or
- (ii) <sup>[F5]</sup>a fine, the amount of which may be limited by the regulations,
- or both; or
- (b) on conviction on indictment by—
- (i) imprisonment for a term not exceeding such period as is specified (which may not exceed five years), or
- (ii) a fine,
- or both.

#### **Textual Amendments**

- F3** Words in Sch. 1 para. 25(2)(a)(i) substituted (E.W.) (7.6.2005) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), **ss. 105(1)(a), 108(4)** (with s. 105(2))
- F4** Words in Sch. 1 para. 25(2)(a)(i) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1** table

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- F5** Sch. 1 para. 25(2)(a)(ii) substituted (E.W.) (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 4 para. 90** (with reg. 5(2))
- F6** Word in Sch. 1 para. 25(2)(a)(ii) substituted (E.W.) (7.6.2005) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), **ss. 105(1)(b)**, 108(4) (with s. 105(2))
- F7** Word in Sch. 1 para. 25(2)(a)(ii) substituted (S.) (28.10.2004) by [Antisocial Behaviour etc. \(Scotland\) Act 2004 \(asp 8\)](#), s. 145(2), Sch. 2 para. 5; [S.S.I. 2004/420](#), art. 3, Sch. 1

### *Interpretation*

- 26 In this Schedule—
- “functions” includes powers and duties;
  - “the regulations” means regulations under section 2;
  - “specified” means specified in regulations under that section.

**Changes to legislation:**

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