
STATUTORY INSTRUMENTS

2003 No. 3311

The Greenhouse Gas Emissions
Trading Scheme Regulations 2003

PART 7

Offences and Civil Penalties

Civil penalties: understatement of reportable emissions

34.—(1) Subject to paragraph (2), where—

- (a) in relation to an application for surrender of a greenhouse gas emissions permit under regulation 15, the report contained in the application in accordance with regulation 15(2) (c) understates the reportable emissions of the installation to which the report relates; or
- (b) in relation to the revocation of a greenhouse gas emissions permit under regulation 16, the report submitted in accordance with the requirements included in a revocation notice pursuant to regulation 16(6)(a) understates the reportable emissions from the installation to which the report relates,

the operator shall be liable to a penalty equal to the amount of the understatement of reportable emissions multiplied by the excess emissions penalty under regulation 33(3)(b) which applied to excess emissions in the year in which the understatement was made.

(2) Conduct falling with paragraph (1) shall not give rise to liability to a penalty under this regulation if the person who made the understatement—

- (a) surrenders or cancels allowances equal to the amount of the understatement; and
- (b) satisfies the appropriate authority, that he did not knowingly or recklessly understate the reportable emissions from the installation.