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STATUTORY INSTRUMENTS

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**2003 No. 3311**

The Greenhouse Gas Emissions  
Trading Scheme Regulations 2003

PART 7

*Offences and Civil Penalties*

**Civil penalties: general**

- 35.**—(1) In this regulation “civil penalty” means any penalty which—
- (a) is imposed by or under these Regulations; and
  - (b) arises otherwise than in consequence of a person’s conviction for a criminal offence.
- (2) Where it appears to the regulator that a person is or may be liable to a civil penalty, it shall notify the appropriate authority.
- (3) Where a person is liable to a civil penalty, the appropriate authority shall—
- (a) assess the amount due by way of penalty; and
  - (b) notify the person liable to the penalty of that amount.
- (4) A penalty shall be due on the day (the “due date”) following the expiry of a period of 28 days beginning on the date on which the person is notified by the appropriate authority under paragraph (3) (b) and shall be paid to the appropriate authority.
- (5) Where an appropriate authority makes an assessment under paragraph (3) of any penalty to which a person is liable the amount of that penalty shall carry interest for the period which—
- (a) begins on the due date; and
  - (b) ends with the day before the day on which the assessed penalty is paid.
- (6) Interest under this regulation shall be payable at a rate of one percentage point above LIBOR on a day to day basis.
- (7) For the purposes of paragraph (6), “LIBOR” means the sterling three months London interbank offered rate in force during the period between the due date and the date on which the penalty is paid.
- (8) Where an amount has been assessed and notified to any person under paragraph (3), the amount and any interest incurred under paragraph (5) shall be recoverable as if it were a civil debt.