
STATUTORY INSTRUMENTS

2005 No. 2903

The Greenhouse Gas Emissions Trading Scheme (Amendment)
and National Emissions Inventory Regulations 2005

[^{F1}PART 6

Civil penalties

F1 Pt. 6 inserted (31.1.2014) by [The Greenhouse Gas Emissions Trading Scheme and National Emissions Inventory \(Amendment\) Regulations 2013 \(S.I. 2013/3135\)](#), regs. 1, **12**

[^{F2}Interpretation: Part 6

13A. In this Part, “the regulator” means—

- (a) the Secretary of State; or
- (b) in the case of an application made under regulation 5 that has not been referred to the Secretary of State under regulation 8A(2), the Environment Agency.]

F2 [Reg. 13A](#) inserted (1.2.2015) by [The Greenhouse Gas Emissions Trading Scheme \(Amendment\) and National Emissions Inventory \(Amendment\) Regulations 2014 \(S.I. 2014/3075\)](#), regs. 1(1), **2(5)** (with reg. 3)

Penalty notices

14.—(1) Subject to regulation 15, where the [^{F3}regulator] is satisfied that a person (“P”) is liable to a civil penalty under this Part the [^{F3}regulator] must, serve a notice on P (a “penalty notice”).

(2) The penalty notice must specify—

- (a) the regulation under which that liability arises;
- (b) the amount of the civil penalty due;
- (c) whether or not P may be liable to a civil penalty in accordance with regulation 16(2)(b) (an “additional daily penalty”); and
- (d) if P will not be liable to an additional daily penalty, the date by which the penalty for which P is liable must be paid.

(3) Subject to regulation 15, where the [^{F3}regulator] is satisfied that P is liable to an additional daily penalty the [^{F3}regulator] must, when the amount of that additional daily penalty can be determined, serve a notice on P (an “additional penalty notice”) specifying—

- (a) the total amount of the civil penalties due; and
- (b) the date by which that amount must be paid.

(4) A civil penalty imposed by a penalty notice or an additional penalty notice must be paid to the [^{F3}regulator] by the date specified in the notice.

(5) Any such civil penalty is recoverable by the [^{F3}regulator] as a civil debt.

[
^{F4}(6) If the regulator is the Environment Agency it must, as soon as reasonably practicable—
 (a) notify the Secretary of State if it serves a penalty notice under this regulation; and
 (b) pass to the Secretary of State any civil penalty that has been paid to it pursuant to such notice.]

- | | |
|-----------|--|
| F3 | Word in reg. 14 substituted (1.2.2015) by The Greenhouse Gas Emissions Trading Scheme (Amendment) and National Emissions Inventory (Amendment) Regulations 2014 (S.I. 2014/3075) , regs. 1(1), 2(6) (with reg. 3) |
| F4 | Reg. 14(6) inserted (1.2.2015) by The Greenhouse Gas Emissions Trading Scheme (Amendment) and National Emissions Inventory (Amendment) Regulations 2014 (S.I. 2014/3075) , regs. 1(1), 2(7) (with reg. 3) |

Discretion in imposing civil penalties

15. Where the [^{F5}regulator] considers it appropriate to do so, the [^{F5}regulator] may—
 (a) refrain from imposing a civil penalty under this Part;
 (b) reduce the amount of a penalty (including the amount of an additional daily penalty);
 (c) extend the time for payment specified in the penalty notice or additional penalty notice;
 (d) withdraw a penalty notice or an additional penalty notice; or
 (e) modify the notice by substituting a lower penalty.

- | | |
|-----------|--|
| F5 | Word in reg. 15 substituted (1.2.2015) by The Greenhouse Gas Emissions Trading Scheme (Amendment) and National Emissions Inventory (Amendment) Regulations 2014 (S.I. 2014/3075) , regs. 1(1), 2(6) (with reg. 3) |
|-----------|--|

Failure to comply with a notice under regulation 10(1)

16.—(1) A person (“P”) is liable to the civil penalties in paragraph (2) where P fails to comply (or to comply on time) with the requirements of a notice served under regulation 10(1) (an “information notice”).

(2) The civil penalties are—
 (a) £1,500; and
 (b) £150 for each day that P fails to comply with the requirements of the information notice, following service of a penalty notice, up to a maximum of £13,500.

Providing false or misleading information

17.—(1) Where paragraph (2) applies, a person is liable to the civil penalty in paragraph (3) where that person provides false or misleading information, or makes a statement which is false or misleading in a material particular.

[^{F6}(2) This paragraph applies where the statement is made or the information is provided to the regulator in writing—

- (a) in connection with an application made under regulation 5; or
 - (b) for the purpose of preparing a national inventory, whether or not the statement is made (or the information provided) in purported compliance with a requirement imposed by a notice under regulation 10(1).]
- (3) The civil penalty is £1,000.

F6 Reg. 17(2) substituted (1.2.2015) by The Greenhouse Gas Emissions Trading Scheme (Amendment) and National Emissions Inventory (Amendment) Regulations 2014 (S.I. 2014/3075), regs. 1(1), **2(8)** (with reg. 3)

Appeals

18.—(1) A person on whom a penalty notice or additional penalty notice has been served under this Part may appeal to the First-tier tribunal.

(2) The bringing of the appeal suspends the effect of the notice pending the final determination or withdrawal of the appeal.

(3) In determining the appeal the First-tier tribunal may—

- (a) affirm or quash the notice; or
- (b) reduce the amount of the penalty imposed by the notice (including the amount of any additional daily penalty).]

Changes to legislation:

There are currently no known outstanding effects for the The Greenhouse Gas Emissions Trading Scheme (Amendment) and National Emissions Inventory Regulations 2005, PART 6.