

## SCHEDULE 1

Regulation 28

### Charging

1.—(1) Subject to sub-paragraphs (2) and (3), the regulator may charge a person the following amounts for the following activities—

- (a) determining an application for a benchmarking plan under regulation 9, £830;
- (b) determining an application for a free allocation from the special reserve under regulation 16, £1,120;
- (c) determining an application for an emissions plan under regulation 18, £750;
- (d) determining emissions under regulation 22, £115 per hour;
- (e) varying an emissions plan under regulation 25, £430;
- (f) maintaining a person as an aircraft operator for each year—
  - (i) where the estimated aviation emissions are less than 50 kilotonnes—
    - (aa) £1,920; plus
    - (bb) £630;
  - (ii) where the estimated aviation emissions are between 50 and 500 kilotonnes—
    - (aa) £2,490; plus
    - (bb) £830; and
  - (iii) where the estimated aviation emissions are over 500 kilotonnes—
    - (aa) £3,060; plus
    - (bb) £1,020.

(2) In the year that an aircraft operator is issued with an emissions plan under regulation 19 or under regulation 15 of the 2009 Regulations (“the relevant year”), the regulator may only charge that person  $N/365$  of any of the sums specified in sub-paragraph (1)(f)(i)(bb), (f)(ii)(bb) or (f)(iii)(bb), where  $N$  is the number of days remaining in the relevant year after the day on which the emissions plan was issued.

(3) In 2010, the regulator may only charge an aircraft operator the following proportions of any of the sums referred to in sub-paragraph (2)—

- (a)  $M/365$ , where  $M$  is the number of days remaining in that year following the date on which these Regulations come into force; or
- (b) if 2010 is the relevant year for the purposes of sub-paragraph (2), the lesser of—
  - (i)  $M/365$ ; and
  - (ii)  $N/365$  (as defined in sub-paragraph (2)).

(4) A charge under sub-paragraph (1) is not deemed to be received by the regulator until the regulator has cleared funds for the full amount due.

(5) A charge under sub-paragraph (1) must be paid—

- (a) by such time and in such manner as the regulator reasonably requires; and
- (b) where no time is set by the regulator, within 31 days of the charge being levied.

2. The regulator—

- (a) must require a charge for an application for a benchmarking plan, emissions plan and an application to the special reserve to be paid before it determines the application;

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- (b) may require any other charge to be paid before it carries out the relevant chargeable activity; and
  - (c) is not required to reimburse any charge paid where—
    - (i) the chargeable activity does not occur; or
    - (ii) the person liable to pay it does not remain an aircraft operator for all of the period in respect of which the charge is payable or has been determined.
- 3.—**(1) Any charge unpaid may be recovered by the regulator—
- (a) as a civil debt;
  - (b) by the seizure and sale of a number of allowances held by the aircraft operator in accordance with sub-paragraph (2).
- (2) Where the regulator proposes to recover an unpaid charge by the seizure and sale of allowances held by the aircraft operator it must—
- (a) notify the registry administrator and the aircraft operator;
  - (b) instruct the registry administrator to transfer a number of allowances sufficient to cover the unpaid charge and any expenses incurred in recovering the unpaid charge from the aircraft operator to a person holding account of the regulator;
  - (c) sell the allowances transferred under paragraph (b) for the best price that can reasonably be obtained, though a failure to do so does not make a sale under this paragraph void or voidable;
  - (d) apply the proceeds of sale in the following order—
    - (i) in payment of the unpaid charge in respect of which the allowances were seized and sold;
    - (ii) in payment of any expenses incurred by the regulator in seizing and selling the allowances,and the regulator must pay any residue from the proceeds of sale to the aircraft operator.
- (3) The regulator is not required to carry out a chargeable activity in relation to a person who has not paid a charge which that person is liable to pay.

**4. In this Schedule—**

“estimated aviation emissions” means a reasonable estimate by the regulator of the aviation emissions of the aircraft operator for the relevant year;

“registry administrator” means the Environment Agency acting in that capacity pursuant to regulation 26(2) of the Greenhouse Gas Emissions Trading Scheme Regulations 2005<sup>(1)</sup>.

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(1) [S.I. 2005/952](#); there are amendments that are not relevant to these Regulations.