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STATUTORY INSTRUMENTS

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**2012 No. 2788**

**The Greenhouse Gas Emissions Trading Scheme  
(Amendment) (Charging Schemes) Regulations 2012**

**PART 2**

**Amendments to the Environment Act 1995**

**Section 42**

- 6.—**(1) Section 42 (approval of charging schemes)(1) is amended as follows.
- (2) In subsection (2), for paragraph (b) substitute—
- “**(b)** have regard to—
- (i) in the case of a charging scheme made under section 41, the matter specified in subsection (3);
- (ii) in the case of a charging scheme made under section 41A, the matter specified in subsection (3A).”.
- (3) In subsection (3), for “(2)(b)” substitute “(2)(b)(i)”.
- (4) After subsection (3), insert—
- “(3A) The matter mentioned in subsection (2)(b)(ii) above is the desirability of ensuring that the amounts recovered by the new Agency in question by way of charges prescribed by charging schemes are the amounts which, taking one year with another, need to be recovered by that new Agency to meet such of the costs and expenses (whether of a revenue or capital nature) which it incurs in carrying out its functions in relation to the matters described in section 41A(1) as the Secretary of State may consider it appropriate to attribute to the carrying out of those functions.”.
- (5) In subsection (4)—
- (a) after “subsection (3)” insert “or (3A)”; and
- (b) omit “in relation to the activities to which environmental licences of any particular description relate”.
- (6) For subsection (11) substitute—
- “(11) In this section “charging scheme” means a scheme made under section 41 or 41A.”.

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(1) Subsection (7) of that section was amended by [S.I. 1999/1820](#); there are other amendments that are not relevant.