2005 No. 925

ENVIRONMENTAL PROTECTION

The Greenhouse Gas Emissions Trading Scheme Regulations 2005

Made - - - - 23rd March 2005
Laid before Parliament 30th March 2005
Coming into force 21st April 2005

PART 1
GENERAL

1. Citation and commencement
2. Interpretation
3. Application of these Regulations to the Crown
4. Notices
5. Applications
6. Functions of the regulator: Northern Ireland

PART 2
GREENHOUSE GAS EMISSIONS PERMITS

7. Requirement for greenhouse gas emissions permit to carry out Schedule 1 activities
8. Applications for greenhouse gas emissions permits
9. Determination of applications and grant of greenhouse gas emissions permits
10. Conditions of greenhouse gas emissions permits
11. Excluded installations
12. Proposed change in operation
13. Commencement of a Schedule 1 activity
14. Variation of provisions of greenhouse gas emissions permits
15. Transfer of greenhouse gas emissions permits
16. Applications to surrender a greenhouse gas emissions permit
17. Revocation of greenhouse gas emissions permits
18. Fees and charges
19. Charging scheme for offshore installations

PART 3
ALLOWANCES

20. National Allocation Plans
21. Allocation and issue of allowances
22. Application for an allocation from the new entrant reserve
23. Allowance allocation where permit surrendered or revoked
24. Applications to retain allocation
25. Supplementary decisions by the regulator or the Secretary of State
26. Registry
27. Pooling

PART 4
ENFORCEMENT

28. Duty of regulator to enforce compliance with monitoring and reporting conditions
29. Enforcement notices
30. Power of the regulator to determine reportable emissions
31. Powers of entry: offshore installations

PART 5
APPEALS

32. Appeals against a decision of, or a notice served by, the regulator or registry administrator
33. Appeals for reconsideration of decisions
34. Procedure for appeals under regulations 32 and 33

PART 6
INFORMATION

35. Information
36. Publication of a list of operators subject to penalties
37. National Security

PART 7
OFFENCES AND CIVIL PENALTIES

38. Offences
39. Civil penalties: excess emissions
40. Civil penalties: understatement of reportable emissions
41. Civil penalties: general

PART 8
APPROPRIATE AUTHORITY’S POWERS

42. Directions to regulators
43. Guidance to regulators
PART 9
SECRETARY OF STATE'S POWERS

44. Directions to registry administrator
45. Guidance to the registry administrator

PART 10
SUPPLEMENTARY

46. Agreement of Scottish Ministers, the National Assembly for Wales and the Department for Environment

PART 11
REVOCATION AND CONSEQUENTIAL AMENDMENTS

47. Revocation and savings provisions
48. Consequential amendments

Signature

SCHEDULE 1 — Activities
PART 1 — Activities and Specified Emissions
PART 2 — Interpretation of Schedule 1
1. The following rules apply for the interpretation of Part 1...
2. An activity shall not be taken to be an activity...
3. (1) This paragraph applies for the purpose of determining whether...

SCHEDULE 2 — Appeals (other than appeals to which Schedule 4 applies)
1. (1) A person who wishes to appeal to the appeal...
2. (1) Subject to sub-paragraph (2), notice of appeal in accordance...
3. (1) In the case of an appeal under regulation 32,...
4. (1) Before determining an appeal, the appeal body may afford...
5. (1) Where an appeal under regulation 32 (other than an...
6. (1) The appeal body shall give notice to the appellant...
7. Where a determination of the appeal body on an appeal...

SCHEDULE 3 — Delegation of Appellate Functions
1. In this Schedule— “appointed person” means a person appointed under...
2. An appointment must be in writing and—
3. Subject to the provisions of this Schedule, an appointed person...
4. (1) If either of the parties to the appeal, matter...
5. (1) Where under paragraph 2(c) the appointment of the appointed...
6. (1) Anything done or omitted to be done by an...

SCHEDULE 4 — Appeals under regulation 32: Northern Ireland
1. (1) A person who wishes to appeal to the Planning...
2. (1) Subject to sub-paragraph (2), notice of appeal in accordance...
3. (1) The regulator shall, within 14 days of receipt of...
4. (1) The appeals commission shall determine the appeal and paragraphs...

SCHEDULE 5 — Fees And Charges
PART 1 — Fees in relation to the grant, variation, transfer, surrender and revocation of a greenhouse gas emissions permit
1. (1) The following fees are prescribed and shall be payable...

PART 2 — Fees in respect of the allocation of allowances
2. (1) The following fees are prescribed and shall be payable...

PART 3 — Registry fees
3. (1) The following fees are prescribed and shall be payable...

PART 4 — Subsistence Charges
4. Subject to paragraphs 6, 9 and 13 of this Schedule,...
5. Subject to paragraphs 6, 9 and 13 of this Schedule,...
6. The charge prescribed for the subsistence of a greenhouse gas...
7. Subject to paragraph 8 of this Schedule, the Secretary of...
8. Where on the date of entry into force of these...
9. Where during a financial year— (a) a greenhouse gas emissions...
10. Subject to paragraph 11 of this Schedule–
11. The operator of an installation may notify the regulator that...
12. Where an operator notifies the regulator under paragraph 11—
13. Where during a financial year a greenhouse gas emissions permit...
14. (1) The registry administrator shall within 14 days of the...
15. For the purposes of this Schedule— “annual specified emissions” means...

SCHEDULE 6 — Consequential Amendments

The Environment Act 1995
1. (1) The 1995 Act shall be amended in accordance with...

The Pollution Prevention and Control Act 1999
2. (1) The Pollution Prevention and Control Act 1999 shall be...

Explanatory Note