

---

STATUTORY INSTRUMENTS

---

**2010 No. 1996**

**CLIMATE CHANGE**

**The Aviation Greenhouse Gas Emissions  
Trading Scheme Regulations 2010**

<i>Made</i>	- - - -	<i>3rd August 2010</i>
<i>Laid before Parliament</i>		<i>6th August 2010</i>
<i>Coming into force</i>	- -	<i>31st August 2010</i>

The Secretary of State is a Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the environment.

These Regulations make provision for a purpose mentioned in section 2(2) of that Act, and it appears to the Secretary of State that it is expedient for the references to EU instruments in these Regulations to be construed as references to those instruments as amended from time to time.

In accordance with section 2(4) of the Pollution Prevention and Control Act 1999<sup>(3)</sup> (the “1999 Act”) the Secretary of State has consulted the Environment Agency, the Scottish Environment Protection Agency, and such bodies or persons appearing to the Secretary of State to be representative of the interests of local government, industry, agriculture and small businesses, and such other bodies and persons, as the Secretary of State considers appropriate.

Accordingly the Secretary of State, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and section 2 of the 1999 Act, as read with paragraph 1A of Schedule 2 to the European Communities Act 1972<sup>(4)</sup>, makes the following Regulations:

- 
- (1) [S.I. 2008/301](#).
- (2) [1972 c. 68](#); section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act [2006 \(c. 51\)](#) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act [2008 \(c. 7\)](#).
- (3) [1999 c. 24](#). Under section 57 of the Scotland Act [1998 \(c. 46\)](#), despite the transfer to the Scottish Ministers of functions in relation to implementing obligations under Community law in respect of devolved matters, the function of the Secretary of State in relation to implementing those obligations continues to be exercisable by the Secretary of State as regards Scotland. And similarly, under paragraph 5 of Schedule 3 to the Government of Wales Act [2006 \(c. 32\)](#), despite the transfer to the Welsh Ministers of functions under section 2 of the 1999 Act so far as exercisable in relation to Wales (except in relation to offshore oil and gas exploration and exploitation), those functions continue to be exercisable by the Secretary of State in relation to Wales for the purpose of implementing any Community obligation of the United Kingdom.
- (4) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and amended by [S.I. 2007/1388](#) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Aviation Greenhouse Gas Emissions Trading Scheme Regulations 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 4 para. 1(1) Sch. 4 para. 1 renumbered as Sch. 4 para. 1(1) by [S.I. 2011/765 reg. 4\(6\)\(b\)](#)
- Sch. 4 para. 1(2) inserted by [S.I. 2011/765 reg. 4\(6\)\(b\)](#)
- reg. 2A2B inserted by [S.I. 2011/765 reg. 3\(2\)](#)
- reg. 36(6) applied (with modifications) by SI 2012/3038 reg. 87(1A) (as amended) by [S.I. 2013/755 Sch. 4 para. 425](#)
- reg. 52(5A) inserted by [S.I. 2011/765 reg. 4\(2\)\(a\)](#)
- reg. 53(2A) inserted by [S.I. 2011/765 reg. 4\(3\)\(b\)](#)
- reg. 53(5) inserted by [S.I. 2011/765 reg. 4\(3\)\(d\)](#)
- reg. 55(1) reg. 55 renumbered as reg. 55(1) by [S.I. 2011/765 reg. 4\(4\)](#)
- reg. 55(2) inserted by [S.I. 2011/765 reg. 4\(4\)](#)
- reg. 60(5A) inserted by [S.I. 2011/765 reg. 4\(5\)\(b\)](#)