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STATUTORY INSTRUMENTS

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**2010 No. 1996**

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

**PART 9**

**Detention and sale of aircraft**

**General**

**42.**—(1) Subject to paragraph (3), where—

- (a) an aircraft operator has not paid a civil penalty within 6 months of the date by which it is due under regulation 30(3) or (4); or
- (b) an operator has had an operating ban imposed on it under Article 16(10) of the EU ETS Directive,

the regulator may detain any aircraft of which the regulator has reason to believe the defaulting operator is the operator.

(2) Where an aircraft has been detained—

- (a) under paragraph (1)(a) and the aircraft operator has not paid the civil penalty and regulator expenses within—
  - (i) 56 days of the date when the detention begins; or
  - (ii) if later, 21 days of the date of service of a notice under paragraph 2(1) of Schedule 2; or
- (b) under paragraph (1)(b) and—
  - (i) the operating ban has not been lifted within 56 days of the date when the detention begins; and
  - (ii) the operator has not paid the regulator expenses,

the regulator may, subject to the following regulations of this Part, sell that aircraft.

(3) Paragraphs (1) and (2), in relation to a detention under paragraph (1)(a), do not apply in relation to a civil penalty imposed in respect of a failure to comply with these Regulations before 1st January 2012.