
STATUTORY INSTRUMENTS

2019 No. 1440

**The Greenhouse Gas Emissions Trading
Scheme (Amendment) (No. 3) Regulations 2019**

Amendment of regulation 54

20.—(1) Regulation 54 is amended as follows.

(2) After paragraph (2), insert—

“(2A) Any—

- (a) increase in the amount of allowances required by regulation 42B(2);
- (b) increase in the amount of annual reportable emissions required by regulation 42B(3); or
- (c) deemed increase in an installation's annual reportable emissions in a recovery year pursuant to paragraph 2(5) of Schedule 4,

must be disregarded for the purpose of calculating the excess emissions penalty.”.

(3) In paragraph (4), from “that—” to the end, substitute “ exceed P's verified annual reportable emissions for that year ”.

(4) For paragraph (5) substitute—

“(5) This paragraph applies where—

- (a) the regulator becomes aware that P's annual reportable emissions in a scheme year exceed P's verified annual reportable emissions in respect of that year; and
- (b) P failed to surrender a number of allowances equal to the unreported emissions by 30th April in the following scheme year.”.

(5) In paragraph (6), omit “by the relevant date”.

(6) In paragraph (7)—

- (a) omit sub-paragraph (b);
- (b) after sub-paragraph (c), insert—

“(ca) “verified annual reportable emissions” means annual reportable emissions that are—

- (i) verified pursuant to regulation 35(3) or paragraph 2(3)(b) of Schedule 4;
- (ii) considered verified pursuant to regulation 35(7); or
- (iii) determined by the regulator pursuant to regulation 44;”.

(7) After paragraph (8), insert—

“(9) Where—

- (a) a person was liable to a civil penalty under this regulation for a failure to surrender a number of allowances equal to the unreported emissions in any relevant year; and
- (b) a penalty notice has not been served in respect of that penalty,

the provisions of paragraphs (4) to (7) apply in respect of such emissions.

(10) In paragraph (9), “relevant year” means a scheme year during the years 2013 to 2018.”.

Commencement Information

II Reg. 20 in force at 21.11.2019, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 3) Regulations 2019, Section 20.