
STATUTORY INSTRUMENTS

2019 No. 1440

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

Substitution of regulation 88

27. For regulation 88 substitute—

“Transitional provisions: permits

88.—(1) A permit granted under regulation 9 of the 2005 Regulations that is in force immediately before 1st January 2021, continues to have effect until it is revoked or surrendered under these Regulations.

(2) The regulator must vary the content of a greenhouse gas emissions permit that is in force immediately before 1st January 2021 to comply with the requirements of paragraph 2 of Schedule 4.

(3) Subject to paragraphs (4) and (5), an excluded installation emissions permit that is in force immediately before 1st January 2021 continues to have effect as if it were an Article 27 installation emissions permit until it is revoked, surrendered or varied under these Regulations.

(4) The regulator must vary the excluded installation emissions permit as necessary to bring it into a form in which it could have been granted under regulation 10(2).

(5) The regulator must, where an excluded installation is not eligible to obtain an Article 27 installation emissions permit, vary the excluded emissions permit with effect from 1st January 2021 so that the provisions of the permit that satisfy the requirements of paragraph 3 of Schedule 5 are replaced by provisions satisfying the requirements of paragraph 2 of Schedule 4.

(6) The regulator may make any arrangements it considers necessary during the transitional period to—

- (a) vary a permit under paragraph (2), (4) or (5);
 - (b) grant an Article 27 installation emissions permit under regulation 10(2);
 - (c) revoke a permit under regulation 14(1)(b)(ii) or (iii);
 - (d) vary a greenhouse gas emissions permit under paragraph 2 of Schedule 5.
- (7) In this regulation, the “transitional period” means the period which—
- (a) begins with 1st May 2020; and
 - (b) ends with 31st December 2020.”.