
STATUTORY INSTRUMENTS

2020 No. 1369

**The Greenhouse Gas Emissions Trading Scheme
(Withdrawal Agreement) (EU Exit) Regulations 2020**

PART 2

**Implementation of withdrawal agreement in relation
to electricity generation in Northern Ireland from 2021**

Article 27 installations

40. In Schedule 5—

- (a) in paragraph 1, omit sub-paragraphs (1) to (3);
- (b) in paragraph 3—
 - (i) in sub-paragraph (2), omit “section 40 of the Environment Act 1985, article 11 of the NRBW Order or”(1),
 - (ii) omit sub-paragraph (3)(c),
 - (iii) in sub-paragraph (4), omit “that is granted in respect of an installation which does not primarily provide services to a hospital”,
 - (iv) omit sub-paragraph (5),
 - (v) in sub-paragraph (6) for “sub-paragraphs (4) and (5)” substitute “sub-paragraph (4)”,
 - (vi) omit sub-paragraph (9),
 - (vii) in sub-paragraph (11) omit “section 40 of the Environment Act 1995, article 11 of the NRBW Order or”(2);
- (c) omit paragraph 4;
- (d) in paragraph 6—
 - (i) omit sub-paragraph (3)(d),
 - (ii) for sub-paragraph (7)(3), substitute—

“(7) However, the increase in an emissions target under sub-paragraph (4) or (6) may not result in an emissions target which exceeds the maximum amount.”,
 - (iii) in sub-paragraph (8), omit “section 40 of the Environment Act 1995, article 11 of the NRBW Order or”(4),
 - (iv) in sub-paragraph (9)(a) for “a sub-installation’s” substitute “an installation’s”,

(1) The reference to article 11 of the NRBW Order was inserted by paragraphs 418 and 426 of Schedule 4 to [S.I. 2013/755](#).

(2) Sub-paragraph (11) was amended by paragraphs 418 and 426 of Schedule 4 to [S.I. 2013/755](#).

(3) Paragraph 6(7) was amended to a limited extent by regulation 29(8)(g) of [S.I. 2019/1440](#) from 1st February 2020 and that amendment which was due to come fully into force on 1st January 2021 is revoked by regulation 44(h)(ii) of these Regulations.

(4) Sub-paragraph (8) was amended by paragraphs 418 and 426 of Schedule 4 to [S.I. 2013/755](#).

- (v) to the extent that sub-paragraph 9(b) to (d) has been substituted by regulation 29(8)(i) of the Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 3) Regulations 2019⁽⁵⁾, those substituted provisions cease to have effect (but to the extent that those provisions are to be substituted from 1st January 2021 by that regulation, those amendments are to have effect);
- (e) in paragraph 7—
 - (i) in sub-paragraph (1), omit “Subject to sub-paragraph (2),”,
 - (ii) omit sub-paragraphs (2) and (3),
 - (iii) in sub-paragraph (5), omit “Except where the excluded installation primarily provides services to a hospital,”;
- (f) in paragraph 8—
 - (i) for sub-paragraph (1) substitute—

“(1) Where the regulator is satisfied that the annual reportable emissions from an Article 27 installation have exceeded the maximum amount, the regulator must, as soon as is reasonably practicable, give a notice to the operator.”,
 - (ii) in sub-paragraph (9) for “2013” substitute “2019”⁽⁶⁾,
 - (iii) in sub-paragraph (10) for “2013” substitute “2019”.

⁽⁵⁾ Regulation 1(2B)(f) of [S.I. 2019/1440](#) (inserted by [S.I. 2020/18](#)) provides that regulation 29(8) of [S.I. 2019/1440](#) comes into force for limited purposes from 1st February 2020 and comes into force fully on 1st January 2021; the provisions to be substituted by that regulation are amended by regulation 44(h)(iii) of these Regulations.

⁽⁶⁾ Sub-paragraphs (9) and (10) were amended by regulation 5(13) of [S.I. 2013/3135](#).