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STATUTORY INSTRUMENTS

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**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**

**Transfer of permits: underreporting discovered after transfer**

**8. After regulation 12 insert—**

**“Transfer of permits: underreporting discovered after transfer**

**12A.—(1) This regulation applies where—**

- (a) after the transfer of a greenhouse gas emissions permit under regulation 12 takes effect, the regulator becomes aware, following a determination of reportable emissions under regulation 44, of an error in a report submitted for a scheme year by the transferring operator under the monitoring and reporting requirements of the permit; and
- (b) as a result of the error, the transferring operator failed to comply with the surrender requirements of the permit in respect of the scheme year to which the error relates.

(2) The regulator must give notice to the transferring operator of the error as soon as reasonably practicable.

(3) The transferring operator must, within the period of one month beginning with the date the transferring operator received the notice, effect a transfer to the new operator of allowances equal to the reportable emissions in respect of which, as a result of the error, the transferring operator failed to comply with the surrender condition of the permit.

(4) The new operator must surrender the allowances within the period of one month beginning with the date of the transfer of the allowances.

(5) In paragraph (1), the reference to the transfer of a permit under regulation 12 includes a reference to an application for a transfer of a permit to which effect is given by a variation of the new operator’s existing permit.

(6) In this regulation—

- (a) “transferring operator” means the person who was the current operator for the purposes of regulation 12; and
- (b) “new operator” has the same meaning as in regulation 12.”.