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STATUTORY INSTRUMENTS

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**2019 No. 528**

**CLIMATE CHANGE**

**The Greenhouse Gas Emissions Trading Scheme (Amendment) Regulations 2019**

<i>Made</i>	- - - -	<i>8th March 2019</i>
<i>Laid before Parliament</i>		<i>11th March 2019</i>
<i>Coming into force</i>	- -	<i>14th March 2019</i>

The Secretary of State is a Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the environment.

In accordance with section 2(4) of the Pollution Prevention and Control Act 1999<sup>(3)</sup>, the Secretary of State has consulted the Environment Agency, the Natural Resources Body for Wales, the Scottish Environment Protection Agency, and such bodies or persons appearing to the Secretary of State to be representative of the interests of local government, industry, agriculture and small businesses, and such other bodies and persons, as the Secretary of State considers appropriate.

Accordingly, the Secretary of State, in exercise of the powers conferred by sections 2 and 7(9) of, and Schedule 1 to, the Pollution Prevention and Control Act 1999, and by section 2(2) of the European Communities Act 1972, makes the following Regulations<sup>(4)</sup>:

**Citation and commencement**

1. These Regulations may be cited as the Greenhouse Gas Emissions Trading Scheme (Amendment) Regulations 2019 and come into force on 14th March 2019.

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(1) [S.I. 2008/301](#).  
(2) [1972 c. 68](#); section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act [2006 \(c. 51\)](#) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act [2008 \(c. 7\)](#).  
(3) [1999 c. 24](#); section 2(4) was amended by paragraph 395 of Schedule 2 to the Natural Resources Body for Wales (Functions) Order 2013 ([S.I. 2013/755 \(W. 90\)](#)).  
(4) Under section 57 of the Scotland Act [1998 \(c. 46\)](#), despite the transfer to the Scottish Ministers of functions in relation to observing and implementing obligations under EU law in respect of devolved matters, any function of the Secretary of State in relation to any matter continues to be exercisable as regards Scotland for the purposes specified in section 2(2) of the European Communities Act 1972. And similarly, under paragraph 5 of Schedule 3 to the Government of Wales Act [2006 \(c. 32\)](#), despite the transfer to the Welsh Ministers of functions under section 2 of the 1999 Act so far as exercisable in relation to Wales (except in relation to offshore oil and gas exploration and exploitation), those functions continue to be exercisable by the Secretary of State in relation to Wales for such purposes.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## **Amendments to the Greenhouse Gas Emissions Trading Scheme Regulations 2012**

**2.**—(1) The Greenhouse Gas Emissions Trading Scheme Regulations 2012<sup>(5)</sup> are amended in accordance with paragraphs (2) to (4).

(2) In regulation 42A(2)(a), for “15th March 2019” substitute “26th March 2019”.

(3) In regulation 54(7)(b)(i), for “15th March 2019” substitute “26th March 2019”.

(4) In paragraph 2(4)(a) of Schedule 4, for “15th March 2019” substitute “26th March 2019”.

*Richard Harrington*  
Parliamentary Under-Secretary of State  
Department for Business, Energy and Industrial  
Strategy

8th March 2019

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(5) [S.I. 2012/3038](#); relevant amending instruments are [S.I. 2013/3135](#), [S.I. 2014/3125](#), [S.I. 2015/1849](#) and [S.I. 2017/1207](#). [S.I. 2012/3038](#) is prospectively amended by [S.I. 2019/107](#).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

[Directive 2003/87/EC](#) of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community (OJ L 275, 25.10.2003, p.32) is implemented in the United Kingdom by the Greenhouse Gas Emissions Trading Scheme Regulations 2012 ([S.I. 2012/3038](#)) (“the 2012 Regulations”).

Regulation 2(2) amends regulation 42A(2) of the 2012 Regulations, changing the date when aircraft operators must surrender sufficient allowances to cover their annual reportable emissions for the 2018 scheme year to 26th March 2019.

Regulation 2(3) amends regulation 54(7)(b) of the 2012 Regulations, changing the date from which a penalty is payable for the 2018 scheme year where an aircraft operator or installation has annual reportable emissions which are not included in the verified emissions report and where there is a failure to surrender sufficient allowances in relation to those unreported emissions. In such cases, the date is changed to 26th March 2019.

In the case of installations, the relevant surrender requirements are set out as conditions of the permit. Regulation 2(4) amends Schedule 4 to the 2012 Regulations to change the date when operators of installations are required to surrender sufficient allowances to cover their annual reportable emissions for the 2018 scheme year to 26th March 2019.

A full regulatory impact assessment has not been produced for this instrument as no significant impact on the private or voluntary sectors is foreseen.