STATUTORY RULES OF NORTHERN IRELAND

2010 No. 151

ENVIRONMENTAL PROTECTION

The Greenhouse Gas Emissions Trading Scheme Charging Scheme Regulations (Northern Ireland) 2010

Made - - - -	*13th April 2010*
Coming into operation	*7th May 2010*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by Article 4 of the Environment (Northern Ireland) Order 2002(**1**).

In accordance with Article 4(4) of that Order the Department has consulted district councils and such other bodies or persons appearing to it to be representative of the interests of district councils as it considers appropriate, such bodies or persons appearing to it to be representative of the interests of industry, agriculture and business as it considers appropriate and such other bodies or persons as it considers appropriate.

Citation and commencement

1. These Regulations may be cited as the Greenhouse Gas Emissions Trading Scheme Charging Scheme Regulations (Northern Ireland) 2010 and shall come into operation on 7th May 2010.

Interpretation

2. In these Regulations—

"2005 Regulations" means the Greenhouse Gas Emissions Trading Scheme Regulations 2005(**2**);

"chief inspector" means the chief inspector constituted under regulation 8(3) of the Pollution Prevention and Control Regulations (Northern Ireland) 2003(**3**);

"the Directive" means Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC(**4**);

"greenhouse gas emissions permit" means a permit granted under regulation 9 of the 2005 Regulations.

(**1**) S.I. 2002/3153 (N.I. 7)
(**2**) S.I. 2005/925
(**3**) S.R. 2003/46
(**4**) OJNo. L 275, 25.10.03, p. 32. The Directive is amended by Directive 204/101/EC, OJ No. L 338, 13.11.2004, p. 18.

The enforcing authority

3. Functions conferred by these regulations on the enforcing authority shall be functions of the chief inspector.

Fees and charges in respect of greenhouse gas emissions permits

4.—(1) There shall be charged by and paid to the enforcing authority such fees and charges as may be prescribed by a scheme under paragraph (2) (whether by being specified in or made calculable under the scheme).

(2) The Department may make and from time to time revise a scheme prescribing—

(a) fees payable in respect of an application for the grant of a greenhouse gas emissions permit;

(b) fees payable in respect of, or of an application for, the variation, transfer and surrender of such a permit;

(c) fees payable in respect of the revocation of such a permit;

(d) charges payable in respect of the subsistence of such a permit;

(e) charges in respect of, or in respect of an application for, the allocation of allowances to an operator;

(f) charges in respect of, or in respect of an application for, the retention of allowances by an operator ceasing to carry on an activity to which they relate;

(g) charges in respect of the subsistence of an account required to be held in the trading scheme registry by an operator ("operator registry charges").

(3) A scheme under paragraph (2) may, in particular—

(a) provide for the times at which and the manner in which the payments required by the scheme are to be made (subject to the requirements in the 2005 Regulations as to the times at which payment is required); and

(b) make such incidental, supplementary and transitional provisions as appears to the Department to be appropriate.

(4) The Department, in framing a scheme under paragraph (2) shall, so far as practicable, secure that the fees and charges payable under the scheme are sufficient, taking one year with another, to cover the expenditure incurred by the enforcing authority in exercising its functions under the 2005 Regulations.

Trading scheme registry charges

5.—(1) If the Environment Agency (the Agency)—

(a) proposes to prescribe operator registry charges, or to amend any provision for such charges included in a charging scheme made under section 41 and 41A of the Environment Act 1995(**5**) and

(b) notifies the Department of its proposals, the Department shall include in a scheme provision giving effect to the proposals.

(2) If the Agency revises any proposals of which it has given notification under sub-paragraph (1), and notifies the Department accordingly, the obligation imposed by that sub-paragraph applies in relation to the proposals as revised.

(3) A notification under sub-paragraph (1) or (2) shall include details of the amount of the proposed charges.

(**5**) 1995 c. 25