
STATUTORY INSTRUMENTS

2012 No. 3038

CLIMATE CHANGE

**The Greenhouse Gas Emissions
Trading Scheme Regulations 2012**

Made - - - - - *5th December 2012*
Laid before Parliament *10th December 2012*
Coming into force *1st January 2013*

**THE GREENHOUSE GAS EMISSIONS
TRADING SCHEME REGULATIONS 2012**

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Status: This is the original version (as it was originally made).

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SCHEDULE 1 — Application to the Crown etc.

- 1. Crown application
- 2. Entry to Crown premises
- 3. Service on certain Crown operators

SCHEDULE 2 — Notices etc.

- 1. In this Schedule, “instrument” means any notice or direction served...
- 2. An instrument must be in writing.
- 3. An instrument may be served on or given to a...
- 4. In the case of a body corporate, an instrument may...
- 5. In the case of a partnership, an instrument may be...

6. If a person (“Q”) to be served with or given...
7. For the purposes of this Schedule, “proper address” means (subject...
8. For the purposes of paragraph 7, where a body corporate...
9. (1) Where for the purposes of paragraph 7 the person...
10. The provisions of this Schedule do not apply where a...

SCHEDULE 3 — Applications etc.

1. Applications etc.: general
2. Determination of applications

SCHEDULE 4 — Permits

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5. Revocation of permits

SCHEDULE 5 — Excluded installations

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8. Adjustment of allocation to an installation: partial cessation of regulated activities
9. Notification of preliminary annual number of allowances: significant capacity reductions and partial cessation of regulated activities
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11. Recovery of allowances

SCHEDULE 7 — Allocation of aviation allowances

1. Purpose of this Schedule
2. Application for a benchmarking plan
3. Issue of a benchmarking plan
4. Amendment of a benchmarking plan

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5. Monitoring tonne-kilometre data
6. Reporting tonne-kilometre data
7. Submission of the report to the Secretary of State and the European Commission
8. Publication of aviation allowances
9. Force majeure
10. Recovery of allowances

SCHEDULE 8 — Allocation of aviation allowances from the special reserve

1. Purpose of this Schedule
2. Application for a benchmarking plan
3. Issue of a benchmarking plan
4. Amendment of a benchmarking plan
5. Monitoring tonne-kilometre data
6. Application for an allocation of allowances
7. Submission of an application to the Secretary of State and to the European Commission
8. Publication of aviation allowances from the special reserve

SCHEDULE 9 — Detention and sale of aircraft

1. Interpretation
2. Sale following detention of aircraft
3. Release of aircraft
4. Court procedures
5. Proceeds of sale
6. Equipment and documents
7. Assistance of aerodrome operator
8. Procedure for applying for leave to sell an aircraft

SCHEDULE 10 — Aircraft operating bans

1. Application for an operating ban
2. Enforcement of an operating ban

SCHEDULE 11 — Appeals to the Scottish Ministers

PART 1

1. (1) Any person who wishes to appeal to the Scottish...
2. (1) Subject to sub-paragraph (2), notice of appeal in accordance...
3. (1) The regulator must, within 16 days of receipt of...
4. (1) Before determining an appeal, the appeal body may afford...
5. (1) Where an appeal under regulation 73(1) is to be...
6. (1) The appeal body must give notice to the appellant...
7. Where an appeal is made against the refusal of an...
8. Where the appeal body's determination of an appeal is quashed...
9. In this Part— (a) “affected party” means an interested party—...

PART 2

10. In this Part— “appointed person” means a person appointed under...
11. An appointment must be in writing and—
12. Subject to the provisions of this Part, an appointed person,...
13. (1) If the appellant, the regulator or any person whose...
14. (1) Where— (a) under paragraph 11(c) the appointment of the...
15. (1) Anything done or omitted to be done by an...

SCHEDULE 12 — Appeals (Northern Ireland)

1. (1) A person who wishes to appeal to the Planning...
2. Notice of appeal in accordance with paragraph 1 is to...
3. (1) The appeals commission must determine the appeal and paragraphs...
4. An appeal under this Schedule must be accompanied by a...

Explanatory Note