



Environment Act 1995

1995 CHAPTER 25

PART I

THE ENVIRONMENT AGENCY AND THE SCOTTISH ENVIRONMENT PROTECTION AGENCY

CHAPTER III

MISCELLANEOUS, GENERAL AND SUPPLEMENTAL PROVISIONS RELATING TO THE NEW AGENCIES ^[F1]AND THE NATURAL RESOURCES BODY FOR WALES

Charging schemes

^[F1]41A ^[F2]Charges in respect of ^[F3]the EU greenhouse gas emissions trading scheme

^[F4](1) Each of the ^[F5]charging authorities may require the payment to it of such charges as may from time to time be prescribed—

^[F6](a) as a means of recovering costs incurred by it in performing functions conferred under or by virtue of—

- (i) the Greenhouse Gas Emissions Trading Scheme Regulations 2005 (S.I. 2005/925);
- (ii) the Aviation Greenhouse Gas Emissions Trading Scheme Regulations 2010 (S.I. 2010/1996);
- (iii) the Greenhouse Gas Emissions Trading Scheme Regulations 2012 (S.I. 2012/3038).]

(b) in respect of—

- (i) an application to open an account that, under the ^[F7]Registries Regulation 2013, is required to be held in ^[F8]the Kyoto Protocol Registry;
- (ii) the subsistence of such an account;
- (iii) the updating of information provided to the Agency in relation to such an account;

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and in this section “prescribed” means specified in, or determined under, a scheme (in this section referred to as a “charging scheme”) made under this section by the [F⁹charging authority] in question.

- (1A) A charging scheme may—
- (a) make different provision for different cases, including different provision in relation to different persons, circumstances or localities;
 - (b) provide for the times at which, and the manner in which, the charges prescribed by the scheme are to be paid;
 - (c) revoke or amend any previous charging scheme;
 - (d) contain supplemental, incidental, consequential or transitional provision for the purposes of the scheme.
- (1B) A charging scheme must specify, in relation to any charge prescribed by the scheme, the description of person who is liable to pay the charge.
- (1C) A [F¹⁰charging authority] may not make a charging scheme unless the provisions of the scheme have been approved by the Secretary of State [F¹¹, the Welsh Ministers] or the Scottish Ministers under section 42.]
- (2) If the Agency—
- (a) proposes to prescribe [F¹²charges under subsection (1)(b)] or to amend any provision for such charges included in a charging scheme, and
 - (b) notifies [F¹³another charging authority] of its proposals,
- the Agency and [F¹⁴that other charging authority] shall each include in a charging scheme (subject to approval by the Secretary of State [F¹⁵, the Welsh Ministers][F¹⁶or the Scottish Ministers under section 42]) provision giving effect to the proposals.
- (3) If the Agency revises any proposals of which it has given notification under subsection (2) above, and notifies [F¹⁷the relevant charging authority] accordingly, the obligations imposed by that subsection apply in relation to the proposals as revised.
- (4) A notification under subsection (2) or (3) above shall include details of the amount of the proposed charges.
- (5) [F¹⁸The Natural Resources Body for Wales and]SEPA shall pass on to the Agency any [F¹⁹charges under subsection (1)(b)] that [F²⁰they receive].
- (6) A charging scheme made by the Agency may require the payment to the Agency of such charges as may from time to time be prescribed in respect of—
- [F²¹(a) an application to open an account in [F²²the Kyoto Protocol Registry], other than one that under the [F²³Registries Regulation 2013] is required to be held in that registry;]
 - (b) the subsistence of such an account;
 - (c) the updating of information provided to the Agency in relation to such an account.
- [F²⁴(7) In this section—

“charging authority” means the Agency, the Natural Resources Body for Wales or SEPA;

“the Registries Regulation 2013” means Commission Regulation (EU) No 389/2013 establishing a Union Registry pursuant to [Directive 2003/87/EC](#) of the European Parliament and of the Council, Decisions No [290/2004/EC](#) and

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No 406/2009/EC of the European Parliament and of the Council and repealing Commission Regulations (EU) No 920/2010 and No 1193/2011, as amended from time to time; and

[^{F25}“the Kyoto Protocol Registry” means the registry administered on behalf of the United Kingdom for the purposes of its obligations as a party to the Kyoto Protocol to the United Nations Framework Convention on Climate Change.]]

Textual Amendments

- F1** S. 41A inserted (21.4.2005) by [The Greenhouse Gas Emissions Trading Scheme Regulations 2005 \(S.I. 2005/925\)](#), **Sch. 6 para. 1(2)** (with reg. 3)
- F2** Words in s. 41A heading substituted (1.1.2012) by [The Greenhouse Gas Emissions Trading Scheme \(Amendment\) \(Registries and Fees etc.\) Regulations 2011 \(S.I. 2011/2911\)](#), reg. 1(1), **Sch. para. 23(a)** (with Sch. para ss. 33-36)
- F3** Words in s. 41A heading substituted (3.12.2012) by [The Greenhouse Gas Emissions Trading Scheme \(Amendment\) \(Charging Schemes\) Regulations 2012 \(S.I. 2012/2788\)](#), regs. 1, **5(2)**
- F4** Ss. 41A(1)-(1C) substituted for s. 41A(1) (3.12.2012) by [The Greenhouse Gas Emissions Trading Scheme \(Amendment\) \(Charging Schemes\) Regulations 2012 \(S.I. 2012/2788\)](#), regs. 1, **5(3)**
- F5** Words in s. 41A(1) substituted (with effect in accordance with art. 1(3) of the amending S.I.) by [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2), **17(2)(a)** (with art. 24)
- F6** S. 41A(1)(a) substituted (31.12.2020) by [The Environment \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/458\)](#), regs. 1(1), **3(4)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in s. 41A(1)(b)(i) substituted (31.1.2014) by [The Greenhouse Gas Emissions Trading Scheme and National Emissions Inventory \(Amendment\) Regulations 2013 \(S.I. 2013/3135\)](#), regs. 1, **13(2)**
- F8** Words in s. 41A(1)(b)(i) substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **11(a)**
- F9** Words in s. 41A(1) substituted (with effect in accordance with art. 1(3) of the amending S.I.) by [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2), **17(2)(b)** (with art. 24)
- F10** Words in s. 41A(1C) substituted (with effect in accordance with art. 1(3) of the amending S.I.) by [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2), **17(3)(a)** (with art. 24)
- F11** Words in s. 41A(1C) inserted (with effect in accordance with art. 1(3) of the amending S.I.) by [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2), **17(3)(b)** (with art. 24)
- F12** Words in s. 41A(2) substituted (3.12.2012) by [The Greenhouse Gas Emissions Trading Scheme \(Amendment\) \(Charging Schemes\) Regulations 2012 \(S.I. 2012/2788\)](#), regs. 1, **5(4)(a)**
- F13** Words in s. 41A(2)(b) substituted (with effect in accordance with art. 1(3) of the amending S.I.) by [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2), **17(4)(a)** (with art. 24)
- F14** Words in s. 41A(2) substituted (with effect in accordance with art. 1(3) of the amending S.I.) by [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2), **17(4)(b)(i)** (with art. 24)
- F15** Words in s. 41A(2) inserted (with effect in accordance with art. 1(3) of the amending S.I.) by [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2), **17(4)(b)(ii)** (with art. 24)
- F16** Words in s. 41A(2) substituted (3.12.2012) by [The Greenhouse Gas Emissions Trading Scheme \(Amendment\) \(Charging Schemes\) Regulations 2012 \(S.I. 2012/2788\)](#), regs. 1, **5(4)(b)**

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- F17** Words in s. 41A(3) substituted (with effect in accordance with art. 1(3) of the amending S.I.) by [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2), **17(5)** (with art. 24)
- F18** Words in s. 41A(5) inserted (with effect in accordance with art. 1(3) of the amending S.I.) by [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2), **17(6)(a)** (with art. 24)
- F19** Words in s. 41A(5) substituted (3.12.2012) by [The Greenhouse Gas Emissions Trading Scheme \(Amendment\) \(Charging Schemes\) Regulations 2012 \(S.I. 2012/2788\)](#), regs. 1, **5(5)**
- F20** Words in s. 41A(5) substituted (with effect in accordance with art. 1(3) of the amending S.I.) by [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2), **17(6)(b)** (with art. 24)
- F21** S. 41A(6)(a) substituted (3.12.2012) by [The Greenhouse Gas Emissions Trading Scheme \(Amendment\) \(Charging Schemes\) Regulations 2012 \(S.I. 2012/2788\)](#), regs. 1, **5(6)**
- F22** Words in s. 41A(6)(a) substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **11(b)**
- F23** Words in s. 41A(6)(a) substituted (31.1.2014) by [The Greenhouse Gas Emissions Trading Scheme and National Emissions Inventory \(Amendment\) Regulations 2013 \(S.I. 2013/3135\)](#), regs. 1, **13(2)**
- F24** S. 41A(7) substituted (31.1.2014) by [The Greenhouse Gas Emissions Trading Scheme and National Emissions Inventory \(Amendment\) Regulations 2013 \(S.I. 2013/3135\)](#), regs. 1, **13(3)**
- F25** Words in s. 41A(7) substituted (1.5.2021) by [The Greenhouse Gas Emissions \(Kyoto Protocol Registry\) Regulations 2021 \(S.I. 2021/511\)](#), regs. 1, **11(c)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 41(1)(s) inserted by [2021 c. 30 s. 57\(8\)](#)
- s. 82(1A) inserted by [2024 asc 2 s. 16\(3\)](#)
- s. 83B inserted by [2024 asc 2 s. 17\(1\)](#)
- s. 85(3)(e)(f) inserted by [2024 asc 2 s. 18\(b\)](#)
- Sch. 7 para. 7(4A)(4B) inserted by [2007 c. 28 Sch. 14 para. 4\(3\)](#)