

# **Carbon Pricing (Appeals) Regulations 2020**

## **Table of Contents**

### **Enacting Formula**

### **Part 1 PRELIMINARY**

#### **1 Citation and commencement**

#### **2 Definitions**

#### **3 Responsibilities of Secretary**

#### **4 Responsibilities of Registrar**

### **Part 2 PROCEDURE OF APPEAL**

#### **Division 1 — Notice of appeal, defence and reply**

##### **5 Notice of appeal**

##### **6 Defective notice of appeal**

##### **7 Amendment of notice of appeal**

##### **8 Defence**

##### **9 Defective defence**

##### **10 Amendment of defence**

##### **11 Reply**

##### **12 Defective reply**

#### **Division 2 — Disposal of appeals, etc.**

**13 Summary dismissal of appeals**

**14 Withdrawal of appeals**

**15 Consent orders**

**Division 3 — Procedures for appeals**

**16 No new ground of appeal or defence**

**17 Directions**

**18 Consolidation**

**19 Requests for confidential treatment**

**20 Hearing of appeals**

**21 Hearing of appeal in absence of member of Appeal Panel**

**22 Adjournments**

**23 Hearings to be in camera**

**24 Notification of decision on appeal**

**25 Costs**

**26 Irregularities**

**Part 3 APPEAL PANEL**

**27 Establishment of Appeal Panel**

**28 Conflict of interests**

**29 Meetings of Appeal Panels**

CARBON PRICING ACT 2018  
(ACT 23 OF 2018)

CARBON PRICING  
(APPEALS) REGULATIONS 2020

In exercise of the powers conferred by section 76 of the Carbon Pricing Act 2018, the Minister for the Environment and Water Resources makes the following Regulations:

PART 1

PRELIMINARY

**Citation and commencement**

1. These Regulations are the Carbon Pricing (Appeals) Regulations 2020 and come into operation on 1 July 2020.

**Definitions**

2. In these Regulations, unless the context otherwise requires —

“appeal” means an appeal under Part 6 of the Act;

“appeal authority” means the Minister or, where the Minister has established an Appeal Panel to consider and determine the appeal, the Appeal Panel;

“appealable decision” means a decision mentioned in section 34(1) of the Act;

“authorised representative”, in relation to a party, means the person authorised by the party to represent the party in the appeal, including a legal representative of the party;

“Chairman”, in relation to an Appeal Panel, means the Chairman of the Appeal Panel appointed under section 38(2) of the Act;

“chief executive”, in relation to an appellant that is a corporation, means any person (by whatever name called) who is —

- (a) in the direct employment of, or acting for or by arrangement with, the corporation; and
- (b) principally responsible for the management and conduct of the business of the corporation in Singapore;

“legal representative”, in relation to a party to any appeal, means any advocate and solicitor named in the register of practitioners and having in force a practising certificate issued under the Legal Profession Act (Cap. 161), who is retained by the party to represent the party in the appeal;

“parties”, in relation to an appeal, means the appellant and the Agency, and “party” means either one of them;

“Presiding Member”, in relation to an Appeal Panel, means —

- (a) the Chairman; or
- (b) a member of the Appeal Panel determined by the Chairman to preside at a meeting of the Appeal Panel or at a hearing of an appeal by the Appeal Panel in the Chairman’s absence;

“Registrar” means the Registrar appointed under regulation 4 in relation to an Appeal Panel;

“Secretary” means the Secretary appointed under regulation 3.

## **Responsibilities of Secretary**

### **3.—(1) The Minister —**

- (a) must appoint any public officer as Secretary to provide any administrative and secretarial support required by the Minister for any appeal; and
- (b) may appoint one or more other public officers as deputy secretaries to assist the Secretary in carrying out the responsibilities of the Secretary under these Regulations.

### **(2) Without affecting paragraph (1), the Secretary is responsible for —**

- (a) the establishment and maintenance of a list of all notices of appeal lodged with the Minister;
- (b) the acceptance, transmission, service and custody of documents in connection with any appeal before the Minister, in accordance with these Regulations;
- (c) the recording of the proceedings of any appeal considered by the Minister in the form required by the Minister;
- (d) the keeping of the records of all appeal proceedings (whether for appeals considered by the Minister or an Appeal Panel);
- (e) the establishment and maintenance of a register of orders, directions and

decisions (including the determination) of the appeal authority in relation to any appeal; and

- (f) the certification that any order, direction or decision (including a determination) is an order, a direction or a decision of the appeal authority, as the case may be.

(3) The Secretary must act in accordance with the instructions given by the Minister.

(4) Where the Minister establishes an Appeal Panel to consider and determine an appeal, the Secretary must forward a copy of all documents in the possession of the Secretary relating to the appeal, to the Registrar.

### **Responsibilities of Registrar**

4.—(1) The Minister —

- (a) must appoint a Registrar to provide any administrative and secretarial support required by any Appeal Panel established by the Minister to consider and determine any appeal; and
- (b) may appoint one or more deputy registrars to assist the Registrar in carrying out the responsibilities of the Registrar under these Regulations.

(2) Without affecting paragraph (1), the Registrar is responsible for —

- (a) the acceptance, transmission, service and custody of documents in connection with any appeal before an Appeal Panel, in accordance with these Regulations; and
- (b) the recording of appeal proceedings before any Appeal Panel in the form required by the Appeal Panel.

(3) The Registrar must act in accordance with the instructions given by any Appeal Panel in relation to any appeal before the Appeal Panel, and may issue circulars or practice directions concerning the procedures and practices for appeal proceedings before any Appeal Panel, including case management conferences and measures to resolve the matter amicably through any alternative dispute resolution process.

(4) Upon the parties being notified of the determination of an Appeal Panel in accordance with regulation 24, the Registrar must forward a copy of the recording mentioned in paragraph (2)(b) (including all documents in the possession of the Registrar relating to the appeal proceedings before the Appeal Panel), to the Secretary for the purposes of regulation 3(2)(d).