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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 24**

**The Storage of Carbon Dioxide (Licensing  
etc.) (Scotland) Regulations 2011**

*Powers and duties of the authority*

**Consequences of revocation of a storage permit**

**11.**—(1) This regulation applies where the authority has revoked a storage permit under regulation 10(7).

(2) The authority must either—

- (a) close the storage site; or
- (b) consider any application for a licence (and, if such a licence is granted, for a new storage permit) in respect of the storage site.

(3) Following the procedure under paragraph (2)(b)—

- (a) if no new storage permit is granted, the authority must close the storage site (but the existing licence continues in force);
- (b) if a new storage permit is granted, the existing licence terminates on the date of that grant.

(4) Until the storage site is closed, or the new storage permit is granted, the authority is deemed to be the operator of the site for the purposes of the following obligations—

- (a) in relation to the acceptance and injection of CO<sub>2</sub>;
- (b) in relation to monitoring;
- (c) in relation to corrective measures;
- (d) in relation to the surrender of allowances under the ETS Directive; and
- (e) under Articles 5(1) and 6(1) of the Environmental Liability Directive.

(5) Where the storage site is closed under paragraph (2)(a) or (3)(a), the authority—

- (a) is deemed to be the operator of the storage site for the purposes of the obligations referred to in paragraph (4)(b) to (e); and
- (b) must ensure that the storage site is sealed and the injection facilities removed (but this is without prejudice to the obligations of any person under Part 4 (abandonment of offshore installations) of the Petroleum Act 1998<sup>(1)</sup>).

(6) The licence holder of the existing licence must pay to the authority any costs incurred in meeting the authority's obligations under paragraph (4) or (5); and section 24(6) and (7) applies to the recovery of such costs as it applies to the recovery of costs under section 24(5).

(7) In this regulation, “existing licence” means the licence under which the revoked storage permit was granted.

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(1) 1998 c. 17. Section 30 of the Energy Act 2008 applies Part 4 of the Petroleum Act 1998 to carbon storage installations (as defined by section 30(5)).

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

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