
DRAFT STATUTORY INSTRUMENTS

2011 No.

**The Storage of Carbon Dioxide (Access
to Infrastructure) Regulations 2011**

Enforcement

Provision of false information

18.—(1) A person (“P”) is guilty of an offence if, in circumstances falling within paragraph (2), P provides false information to the authority for the purpose of—

- (a) inducing the authority to exercise or not to exercise any of the functions conferred on it by these Regulations; or
- (b) inducing the authority to exercise any of those functions in a particular way.

(2) Those circumstances are that, at the time the information is provided, P—

- (a) knows or believes the information to be false; or
- (b) is reckless as to whether or not it is false.

(3) A person guilty of an offence under paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) Proceedings for an offence under paragraph (1) may not be instituted in England and Wales except—

- (a) by the Secretary of State or by a person authorised to do so by the Secretary of State; or
- (b) by or with the consent of the Director of Public Prosecutions.

(5) Proceedings for an offence under paragraph (1) may not be instituted in Northern Ireland except—

- (a) by the Secretary of State or a person authorised to do so by the Secretary of State, or
- (b) by or with the consent of the Director of Public Prosecutions for Northern Ireland.

(6) Where an offence under paragraph (1) or (2) is committed by a body corporate and it is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, an officer of the body corporate, that officer (as well as the body corporate) is guilty of the offence and is liable to be proceeded against and dealt with accordingly.

(7) Where the affairs of a body corporate are managed by its members, paragraph (6) applies in relation to the acts and defaults of a member in connection with the member’s functions of management as it applies to an officer of the body corporate.

(8) In this regulation, “officer”, in relation to a body corporate, means—

- (a) any director, secretary or other similar officer of the body corporate; or
- (b) any person purporting to act in any such capacity.

Construction authorisations and pipeline variation notices

19.—(1) For the purposes of sections 1 and 4 of the Pipe-lines Act 1962⁽¹⁾, the works for the construction of a relevant pipeline are deemed to have been executed in contravention of section 1(1) of that Act where the relevant pipeline is constructed—

- (a) pursuant to a construction authorisation to which a variation condition is attached by virtue of regulation 7; and
- (b) without conformity to that condition.

(2) For the purposes of Part 7 of the Town and Country Planning Act 1990⁽²⁾ and Part 6 of the Town and Country Planning (Scotland) Act 1997⁽³⁾, the construction of a relevant pipeline is deemed to have constituted a failure to comply with a condition or limitation subject to which planning permission has been granted where—

- (a) a pipeline variation notice is served under regulation 8⁽²⁾ in respect of the relevant pipeline; and
- (b) the relevant pipeline is constructed without conformity to that notice.

Civil proceedings

20.—(1) The duty of a person to comply with a notice under regulation 9(1) or 12(8) or a modification notice under regulation 13(2) is a duty owed to any person who may be affected by a failure to comply with it.

(2) Where a duty is owed by virtue of paragraph (1) to any person, the duty may be enforced as if it were contained in a contract between that person and the person who owes the duty.

(3) Compliance with the duties in regulations 15 and 17 shall be enforceable by the appropriate authority by civil proceedings for an injunction or interdict or other appropriate relief or remedy.

(4) Civil proceedings under paragraph (3) are to be brought—

- (a) in England and Wales, in the High Court,
- (b) in Northern Ireland, in the High Court or
- (c) in Scotland, in the Court of Session.

(1) Section 4 has been amended by paragraph 2(2) of the Schedule to the Deregulation (Pipe-lines) Order 1999 (S.I. 1999/742) and paragraph 4 of the Schedule to the Planning and Compulsory Purchase Act 2004 (Corresponding Amendments) Order 2007 (S.I. 2007/1519).

(2) Part 7 was amended by sections 1 to 11 of the Planning and Compensation Act 1991.

(3) Part 6 was amended by sections 25 to 27 of the Planning etc. (Scotland) Act 2006.