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DRAFT STATUTORY INSTRUMENTS

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**2011 No.**

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

*Variation conditions*

**Acquisition of rights to use proposed relevant infrastructure**

**10.**—(1) Where relevant infrastructure is proposed to be constructed pursuant to a consent to which a variation condition is attached by virtue of regulation 7(2) or in accordance with a pipeline variation notice, any person other than the holder may make an application under regulation 12(2) in respect of the proposed relevant infrastructure.

(2) Before serving a notice under regulation 9(1) on a third party, the authority must give that person an opportunity to make an application under regulation 12(2) in respect of the proposed relevant infrastructure to which the consent or planning permission relates.

(3) In the circumstances set out in paragraphs (1) and (2), regulations 12 and 13 have effect as if references to relevant infrastructure were references to the infrastructure as it would be once constructed in accordance with the variation condition or pipeline variation notice, and as if references to the owner of the relevant infrastructure were references to the person who will be the owner of the proposed infrastructure.