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DRAFT STATUTORY INSTRUMENTS

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**2011 No.**

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

*Enforcement*

**Construction authorisations and pipeline variation notices**

**19.**—(1) For the purposes of sections 1 and 4 of the Pipe-lines Act 1962<sup>(1)</sup>, 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<sup>(2)</sup> and Part 6 of the Town and Country Planning (Scotland) Act 1997<sup>(3)</sup>, 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<sup>(2)</sup> in respect of the relevant pipeline; and
- (b) the relevant pipeline is constructed without conformity to that notice.

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(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.