

## SCHEDULE

### Amendments

#### *Pipe-lines Act 1962*

1. The Pipe-lines Act 1962 is amended as follows.
2. In section 9 (provisions for securing that a pipe-line is so constructed as to reduce necessity for construction of others)(1), for subsection (6), substitute—
  - “(6) This section does not apply where the application for the grant of a pipe-line construction authorisation relates to the construction of—
    - (a) a diversion, or
    - (b) a carbon dioxide pipe-line.”.
3. In section 9A (provisions for securing that an additional pipe-line is so constructed as to reduce necessity for construction of other pipe-lines)(2), after subsection (1), insert—
  - “(1ZA) This section does not apply where the application for the grant of planning permission relates to the construction of a carbon dioxide pipe-line.”.
4. In section 10 (provisions for securing that a pipe-line is so used as to reduce necessity for construction of others)(3)—
  - (a) for paragraph (b) of subsection (1), substitute—
    - “(b) any other pipe-line which—
      - (i) is constructed pursuant to a pipe-line construction authorisation; and
      - (ii) does not fall within subsection (1A);”;
  - (b) after subsection (1), insert—
    - “(1A) The following pipe-lines fall within this subsection—
      - (a) an upstream petroleum pipe-line;
      - (b) a carbon dioxide pipe-line;
      - (c) a pipe-line comprised in a gas interconnector.”; and
  - (c) in subsection (2), for “the foregoing subsection”, substitute “subsection (1)”.
5. In section 65 (meaning of “pipe-line”)(4)—
  - (a) in subsection (2), after paragraph (f), insert—
    - “(fa) in relation only to a pipe, or system of pipes, which is used to convey carbon dioxide to a carbon dioxide storage site, apparatus for treating and cooling carbon dioxide which is to flow through, or through any part of, the pipe or system;”;
  - (b) after subsection (2), insert—

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(1) Section 9 was amended by paragraph 6 of the Schedule to the Deregulation (Pipe-lines) Order 1999, paragraph 1 of Schedule 1 to the Gas (Third Party Access and Accounts) Regulations 2000 (S.I. 2000/1937) and section 151(1) of the Energy Act 2004 (c. 20). It was modified, in respect of the maximum fine, by sections 37, 38 and 46 of Criminal Justice Act 1982. An amendment by Schedule 23 to the Energy Act 2004 (c. 20) is not yet in force.

(2) Section 9A was inserted by paragraph 7 of the Schedule to the Deregulation (Pipe-lines) Order 1999 and was amended by paragraph 2 of Schedule 1 to the Gas (Third Party Access and Accounts) Regulations 2000 and section 151(1) of the Energy Act 2004. An amendment by Schedule 23 to the Energy Act 2004 (is not yet in force.

(3) Section 10(1) was amended by paragraph 3 of Schedule 1 to the Gas (Third Party Access and Accounts) Regulations 2000 and by section 151(2) of the Energy Act 2004.

(4) Section 65(2) was amended by paragraph 8 of Schedule 1 to the Gas (Third Party Access and Accounts) Regulations 2000.

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Storage of Carbon Dioxide (Access to Infrastructure) Regulations 2011 No. 2305*

“(3) In subsection (2)(fa), the reference to a pipe, or system of pipes, being used to convey carbon dioxide includes a pipe or system which is not being used for any purpose but which is intended to be used to convey carbon dioxide.”.

6. In section 66(1) (interpretation)(5), after the definition of “agricultural unit”, insert—

““carbon dioxide pipe-line” means—

- (a) a pipe-line used to convey carbon dioxide to a carbon dioxide storage site; or
- (b) a pipe-line which is not being used for any purpose but which is intended to be used to convey carbon dioxide to such a site;

“carbon dioxide storage site” means a facility—

- (a) for the storage of carbon dioxide (with a view to its permanent disposal, or as an interim measure prior to its permanent disposal); and
- (b) in respect of the use of which a person is required to have a licence under section 18 of the Energy Act 2008;”.

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(5) Section 66(1) has been amended by regulation 2(2)(b) of the Pipe-lines (Metrication) Regulations 1992 (S.I. 1992/449), by paragraph 15(b) of the Schedule to the Deregulation (Pipe-lines) Order 1999 and paragraphs 5 and 7 of Schedule 2 to the Planning Act 2008. There are other amendments which are not relevant to these Regulations.