

## SCHEDULE

Regulation 22

### 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;”.

*Petroleum Act 1998*

7. The Petroleum Act 1998 is amended as follows.
8. In section 15 (authorisations)(6)—
- (a) in subsection (3)(c)(i) and (iii), at the end insert “(subject to subsection (3A))”;
  - (b) after subsection (3), insert—

“(3A) The power conferred by virtue of paragraph (c)(i) or (iii) of subsection (3) is not exercisable to the extent that the powers conferred by regulation 7 of the Storage of Carbon Dioxide (Access to Infrastructure) Regulations 2011 are exercisable.”;
  - (c) in subsection (5), at the beginning insert “Subject to subsection (5A),”; and
  - (d) after subsection (5), insert—

“(5A) Subsection (6) does not apply where the term is a variation condition imposed by virtue of regulation 7 of the Storage of Carbon Dioxide (Access to Infrastructure) Regulations 2011.”.
9. In section 16 (compulsory modifications of pipelines)(7), before subsection (1), insert—
- “(A1) This section applies to controlled pipelines, other than those which are excepted from the operation of this section.
- (A2) Controlled carbon dioxide pipelines are excepted from the operation of this section.

10. In section 17 (acquisition of rights to use pipelines)(8), after subsection (1A) insert—
- “(1B) This section also does not apply to controlled carbon dioxide pipelines.”.

11. In section 28(1) (interpretation of Part 3 of the Petroleum Act 1998)(9)—
- (a) in the appropriate place, insert—

““carbon dioxide storage site” means a facility—

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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.

(6) Section 15 was amended by paragraph 1 of Schedule 4 to the Gas (Third Party Access and Accounts) Regulations 2000.

(7) Section 16(1) was amended by paragraph 2 of Schedule 4 to the Gas (Third Party Access and Accounts) Regulations 2000.

(8) Section 17(1A) was inserted by paragraph 3 of Schedule 4 to the Gas (Third Party Access and Accounts) Regulations 2000 and was amended by section 151(5)(a) of the Energy Act 2004.

(9) Section 28(1) has been amended but the amendments are not relevant to these Regulations.

- (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;”; and
- ““controlled carbon dioxide pipeline” means any controlled pipeline or one of a network of controlled pipelines—
- (a) which is used to convey carbon dioxide to a carbon dioxide storage site, or
  - (b) which is not being used for any purpose but which is intended to be used to convey carbon dioxide to such a site;”; and
- (b) for the definition of “controlled petroleum pipeline”, substitute—
- ““controlled petroleum pipeline” means any controlled pipeline or one of a network of controlled pipelines—
- (a) which is operated or constructed as part of a petroleum production project and is not a controlled carbon dioxide pipeline; or
  - (b) which is used to convey petroleum from the site of one or more such projects—
    - (i) directly to premises, in order for that petroleum to be used at those premises for power generation or for an industrial process;
    - (ii) directly to a place outside Great Britain;
    - (iii) directly to a terminal; or
    - (iv) indirectly to a terminal by way of one or more other terminals, whether or not such intermediate terminals are of the same kind as the final terminal;”.
- 12.** In paragraph 4 of Schedule 2—
- (a) in sub-paragraph (1), at the beginning, insert “Subject to sub-paragraph (1A),”; and
  - (b) after sub-paragraph (1), insert—
    - “(1A) This paragraph does not apply to the extent that the powers conferred by regulation 7 of the Storage of Carbon Dioxide (Access to Infrastructure) Regulations 2011 are exercisable in relation to the matters mentioned in sub-paragraph (1)(a) or (b).”.