

SCHEDULE

Regulation 6

Insertion of Schedule 3 to the Storage of Carbon Dioxide (Licensing etc.) Regulations 2010

1. After Schedule 2 to the Storage of Carbon Dioxide (Licensing etc.) Regulations 2010, insert—

“SCHEDULE 3

Powers of inspectors

1. The powers of an inspector are—
 - (a) to enter, at any reasonable time (or, in an emergency, at any time) any premises, which the inspector has reason to believe it is necessary to enter;
 - (b) on entering any premises by virtue of sub-paragraph (a), to—
 - (i) be accompanied by any other inspector and, if the inspector has reasonable cause to apprehend any serious obstruction in the execution of the inspector’s duty, a constable; and
 - (ii) take any equipment or materials that the inspector considers may be required for any purpose for which the power of entry is being exercised;
 - (c) to make such examination and investigation as the inspector considers necessary, and for this purpose to install or maintain monitoring or other apparatus on the premises;
 - (d) to direct that those premises or any part of them, or anything in or on them, shall be left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary for the purposes of any examination or investigation under sub-paragraph (c);
 - (e) to take such measurements and photographs and make such recordings as the inspector considers necessary for the purpose of any examination or investigation under sub-paragraph (c);
 - (f) to take samples or cause samples to be taken of any thing found in or on the premises or in any air, water, land or seabed (including the subsoil of the seabed) in, on or in the vicinity of, the premises;
 - (g) in the case of any thing found in or on the premises, cause it to be dismantled or subjected to any process or test (but not so as to damage or destroy it unless that is necessary);
 - (h) in the case of any thing mentioned in sub-paragraph (g), take possession of it and detain it for so long as is necessary for all or any of the following purposes—
 - (i) to examine it, or cause it to be examined and do to it anything which the inspector has power to do under that sub-paragraph;
 - (ii) to ensure that it is not tampered with before the examination of it is completed; and
 - (iii) to ensure that it is available for use as evidence in any proceedings for an offence under these Regulations or under Chapter 3 of the Energy Act 2008;
 - (i) to require any person who the inspector has reasonable cause to believe is able to give any information relevant to any examination or investigation under sub-paragraph (c)—
 - (i) to attend at a place and time specified by the inspector;
 - (ii) to answer (in the absence of any person other than persons whom the inspector may allow to be present and a person nominated to be present by the person on whom the requirement is imposed) such questions as the inspector thinks fit to ask; and
 - (iii) to sign a declaration of truth of that person’s answers;

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, *The Storage of Carbon Dioxide (Inspections etc.) Regulations 2011* ISBN 978-0-11-151690-4

- (j) to require the production of (or where the information is recorded in computerised form, the furnishing of extracts from), and inspect and take copies of or of any entry in—
 - (i) any records which are required to be kept by virtue of any provision of any licence or storage permit;
 - (ii) any records which the inspector considers it necessary to see for the purposes of any examination or investigation under sub-paragraph (c); and
- (k) to require any person to afford the inspector such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as the inspector considers are necessary to enable the inspector to exercise any of the powers conferred by these Regulations and this Schedule.

2. Where an inspector proposes to exercise the power conferred by paragraph 1(g) in the case of a thing found on any premises, the inspector must, if so requested by a person who at the time is present on and has responsibilities in relation to those premises, cause anything which is to be done by virtue of that power to be done in the presence of that person.

3. Before exercising the power conferred by paragraph 1(g), an inspector must consult—
- (a) such persons having duties on the premises where the thing is to be dismantled or subjected to the process or test; and
 - (b) such other persons,

as appear to the inspector appropriate for the purpose of ascertaining what dangers, if any, there may be in doing anything which the inspector proposes to do or cause to be done under the power.”