
STATUTORY INSTRUMENTS

2011 No. 1483

**The Storage of Carbon Dioxide
(Termination of Licences) Regulations 2011**

General

Citation and commencement

1. These Regulations may be cited as the Storage of Carbon Dioxide (Termination of Licences) Regulations 2011, and come into force on 11th July 2011.

Review

2.—(1) Before the end of each review period, the Secretary of State must—

- (a) carry out a review of regulations 3 to 19, except in so far as they apply to any licence granted or function exercised by the Scottish Ministers;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Articles 18 and 20 of the Directive (which are implemented by means of regulations 3 to 19) are implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by regulations 3 to 19;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) In this regulation, “review period” means—

- (a) the period of five years beginning with the day on which these Regulations come into force; and
- (b) subject to paragraph (5), each successive period of five years.

(5) If a report under this regulation is published before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is published.

Interpretation

3.—(1) In these Regulations—

- (a) any reference to a numbered section is to that section of the Energy Act 2008; and
- (b) subject to paragraph (2), any reference to an EU instrument, or a provision of such an instrument, is to that instrument or provision as amended from time to time.

(2) Paragraph (1)(b) does not apply to the definitions referred to in paragraph (4), regulation 14(3) or regulation 15(3)(c).

(3) In these Regulations—

“abandonment programme”, in respect of a licence, means the abandonment programme (within the meaning of section 29(1) of the Petroleum Act 1998^{M1}) applicable to an installation established or maintained in accordance with that licence for the purposes of an activity mentioned in section 17(2)(a), (b) or (c);

“applicant” means a licence holder who has made a termination application;

[^{F1}“appropriate Minister” means either—

- (a) the Secretary of State, where the OGA is the licensing authority in accordance with section 18(2); or
- (b) the Scottish Ministers, where the Scottish Ministers are the licensing authority in accordance with section 18(2);]

“authority” means either—

- (a) the [^{F2}OGA]; or
- (b) the Scottish Ministers,

as licensing authority in accordance with section 18(2);

“CO₂” means carbon dioxide;

“the Directive” means Directive [2009/31/EC](#) of the European Parliament and of the Council on the geological storage of carbon dioxide and amending Council Directive [85/337/EEC](#), European Parliament and Council Directives [2000/60/EC](#), [2001/80/EC](#), [2004/35/EC](#), [2006/12/EC](#), [2008/1/EC](#) and Regulation (EC) No 1013/2006^{M2};

“licence” has the meaning given to it in the licensing regulations (and “licence holder” is to be construed accordingly);

“licensing regulations” means the Storage of Carbon Dioxide (Licensing etc.) Regulations 2010^{M3} or, in respect of licences issued by the Scottish Ministers, the Storage of Carbon Dioxide (Licensing etc.) (Scotland) Regulations 2011^{M4};

“notice” means notice in writing (and “notification” and “notify” shall be construed accordingly);

“operator”, in relation to a storage permit, means the person who carries on or (where different) controls activities at the storage site or, where a storage permit has been terminated or revoked, the person who carried on or (where different) controlled activities at the storage site immediately before such termination or revocation;

“post-transfer costs” means the costs for which the authority will be liable as a result of the transfer of obligations and liabilities to the authority pursuant to regulations 14 and 15;

“storage permit” has the meaning given to it in the licensing regulations;

“termination application” means an application under regulation 4 for termination of a licence;

“termination notice” means a notice served by the authority as required by regulation 11(2) (a) or regulation 12(2);

“transfer report” means a report that complies with Article 18(2) of the Directive.

(4) In these Regulations, the following expressions have the meanings given by Article 3 of the Directive (and cognate terms shall be construed accordingly)—

“closure”;

“leakage”;

“storage site”.

Textual Amendments

- F1** Words in [reg. 3](#) inserted (1.10.2016) by [The Energy \(Transfer of Functions, Consequential Amendments and Revocation\) Regulations 2016 \(S.I. 2016/912\)](#), regs. 1(1), **19(2)(a)**
- F2** Word in [reg. 3](#) substituted (1.10.2016) by [The Energy \(Transfer of Functions, Consequential Amendments and Revocation\) Regulations 2016 \(S.I. 2016/912\)](#), regs. 1(1), **19(2)(b)**
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Marginal Citations

- M1** [1998 c.17](#).
- M2** [OJ No L 140, 5.6.2009, p 114](#).
- M3** [S.I. 2010/2221](#).
- M4** [S.S.I. 2011/24](#).

Changes to legislation:

There are currently no known outstanding effects for the The Storage of Carbon Dioxide (Termination of Licences) Regulations 2011, General.