
STATUTORY INSTRUMENTS

2011 No. 1483

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

*Termination where a storage site has been
closed in accordance with the terms of a licence*

Minimum period

7.—(1) When the authority approves a proposed post-closure plan in respect of a storage site in accordance with the licensing regulations, the authority must determine the minimum period (the “minimum period”) that must elapse between the date of closure of the storage site and the termination of the licence.

(2) Subject to paragraph (3), the minimum period must be no less than twenty years from the date of the closure of the storage site.

(3) Where the minimum period has not elapsed and the authority considers that the condition set out in regulation 8(a) has been met, the authority may reduce the period determined under paragraph (1), which reduced period becomes the minimum period.

(4) The authority must notify the licence holder, as soon as reasonably practicable, of the minimum period determined under paragraph (1) or (3).

Transfer conditions

8. For the purposes of regulations 9 to 11, the transfer conditions are that—

- (a) all available evidence indicates that the stored CO₂ will be completely and permanently contained;
- (b) the minimum period (determined under regulation 7) has elapsed;
- (c) the operator has provided the financial contribution notified to it under regulation 10(4);
- (d) the storage site has been sealed and the injection facilities have been removed; and
- (e) the abandonment programme has been carried out in accordance with Part 4 of the Petroleum Act 1998 ^{M1}.

Marginal Citations

M1 Section 30 of the [Energy Act 2008 \(c.32\)](#) applies Part 4 of the Petroleum Act 1998 to carbon storage installations (as defined by section 30(5)).

Issuing a draft termination notice

9.—(1) Paragraph (2) applies where the authority receives a transfer report under regulation 4(2)(b) or 5(2)(a).

Changes to legislation: There are currently no known outstanding effects for the *The Storage of Carbon Dioxide (Termination of Licences) Regulations 2011*, Termination where a storage site has been closed in accordance with the terms of a licence. (See end of Document for details)

(2) Where this paragraph applies, the authority must prepare a draft termination notice if it is satisfied that—

- (a) the transfer report complies with Article 18(2) of the Directive; and
- (b) the conditions listed in regulation 8(a) and (b) have been met in respect of the storage site.

(3) Where a draft termination notice is prepared under paragraph (2), the authority must prepare a statement of—

- (a) the method by which the authority will determine whether or not the conditions listed in regulation 8(d) and (e) have been met; and
- (b) whether any part of the abandonment programme remains to be carried out.

^{F1}(4)

(5) Where the authority is not satisfied under paragraph (2), the authority must as soon as reasonably practicable notify the licence holder of the reasons for its decision.

Textual Amendments

F1 Reg. 9(4) omitted (31.12.2020) by virtue of [The Storage of Carbon Dioxide \(Amendment and Power to Modify\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/544), regs. 1(3), **3(3)**; 2020 c. 1, Sch. 5 para. 1(1)

Financial obligations

10.—(1) Where the authority prepares a draft termination notice under regulation 9(2), it must determine the amount and form of financial contribution from the operator that the authority considers will be sufficient to cover the expected post-transfer costs.

(2) In determining the amount and form of financial contribution, the authority must—

- (a) take into account the factors set out in Article 20(1) of the Directive; and
- (b) consider any representations received from the operator pursuant to paragraph (3).

(3) The authority must—

- (a) notify the operator of the determination it intends to make;
- (b) in that notification give the operator at least 28 days in which to make written representations to the authority.

(4) The authority must notify the operator of—

- (a) the authority's determination of the amount and form of the financial contribution; and
- (b) the date by which the financial contribution must be provided to the [^{F2}appropriate Minister].

[^{F3}(4A) Where the OGA is the licensing authority in accordance with section 18(2), it must provide to the Secretary of State a copy of any notification given under paragraph (4).]

(5) The operator must provide the financial contribution to the [^{F4}appropriate Minister] in accordance with the notification made under paragraph (4).

Textual Amendments

F2 Words in reg. 10(4)(b) substituted (1.10.2016) by [The Energy \(Transfer of Functions, Consequential Amendments and Revocation\) Regulations 2016](#) (S.I. 2016/912), regs. 1(1), **19(3)(a)**

F3 Reg. 10(4A) inserted (1.10.2016) by [The Energy \(Transfer of Functions, Consequential Amendments and Revocation\) Regulations 2016](#) (S.I. 2016/912), regs. 1(1), **19(3)(b)**

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F4 Words in reg. 10(5) substituted (1.10.2016) by [The Energy \(Transfer of Functions, Consequential Amendments and Revocation\) Regulations 2016](#) (S.I. 2016/912), regs. 1(1), **19(3)(c)**

Serving a termination notice

11.—(1) Where the authority has prepared a draft termination notice under regulation 9(2), it must—

^{F5}(a)

(b) determine whether or not each transfer condition set out in regulation 8 has been met.

(2) Where the authority determines that each transfer condition set out in regulation 8—

(a) has been met, it must serve a termination notice in accordance with regulation 13(1); or

(b) has not been met, it must notify the licence-holder of that determination and the reasons for it.

[^{F6}(2A) Where the OGA is the licensing authority in accordance with section 18(2), it must provide to the Secretary of State a copy of any notification given under paragraph (2)(b).]

^{F7}(3)

(4) Where—

(a) paragraph (2)(b) applies;

(b) the operator has provided the financial contribution notified to it under regulation 10(4); and

(c) the operator requests the return or release of that contribution [^{F8}from the appropriate Minister],

the [^{F9}appropriate Minister] must comply with that request within 90 days of receipt of the request.

Textual Amendments

F5 Reg. 11(1)(a) omitted (31.12.2020) by virtue of [The Storage of Carbon Dioxide \(Amendment and Power to Modify\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/544), regs. 1(3), **3(4)**; 2020 c. 1, Sch. 5 para. 1(1)

F6 Reg. 11(2A) inserted (1.10.2016) by [The Energy \(Transfer of Functions, Consequential Amendments and Revocation\) Regulations 2016](#) (S.I. 2016/912), regs. 1(1), **19(4)(a)**

F7 Reg. 11(3) omitted (31.12.2020) by virtue of [The Storage of Carbon Dioxide \(Amendment and Power to Modify\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/544), regs. 1(3), **3(4)**; 2020 c. 1, Sch. 5 para. 1(1)

F8 Words in reg. 11(4)(c) inserted (1.10.2016) by [The Energy \(Transfer of Functions, Consequential Amendments and Revocation\) Regulations 2016](#) (S.I. 2016/912), regs. 1(1), **19(4)(b)**

F9 Words in reg. 11(4) substituted (1.10.2016) by [The Energy \(Transfer of Functions, Consequential Amendments and Revocation\) Regulations 2016](#) (S.I. 2016/912), regs. 1(1), **19(4)(c)**

Changes to legislation:

There are currently no known outstanding effects for the The Storage of Carbon Dioxide (Termination of Licences) Regulations 2011, Termination where a storage site has been closed in accordance with the terms of a licence.