



Energy Act 2008

2008 CHAPTER 32

PART 1

GAS IMPORTATION AND STORAGE

CHAPTER 3

STORAGE OF CARBON DIOXIDE

Abandonment of offshore [^{F1}infrastructure]

30 Abandonment of installations

(1) Part 4 of the Petroleum Act 1998 (c. 17) (^{F1}referred to in this section and sections 30A and 30B as “the 1998 Act”) applies in relation to a carbon storage installation as it applies in relation to an offshore installation within the meaning given by section 44 of the 1998 Act, subject to subsections [^{F2}(1A)] [^{F3}to (2)] and (4) [^{F4} and section 30A].

[^{F5}(1A) For the purposes of subsection (1), the amendments made to Part 4 of the 1998 Act by Schedule 2 to the Energy Act 2016 are to be disregarded.]

[^{F6}(1AA) Part 4 of the 1998 Act, in its application in relation to carbon storage installations, has effect with the modifications set out in subsection (1AB).

(1AB) The modifications are as follows—

(a) in section 30 of the 1998 Act, for subsections (5) and (6) substitute—

“(5) This subsection applies to a person in relation to a carbon storage installation if—

(a) the person has the right—

(i) to use a controlled place for the storage of carbon dioxide (with a view to its permanent disposal, or as an interim measure prior to its permanent disposal),

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- (ii) to convert any natural feature in a controlled place for the purpose of storing carbon dioxide (with a view to its permanent disposal, or as an interim measure prior to its permanent disposal), or
- (iii) to explore a controlled place with a view to, or in connection with, the carrying on of the activities within sub-paragraph (i) or (ii), and
- (b) either—
 - (i) any activity mentioned in subsection (6) is carried on from, by means of or on the installation, or
 - (ii) the person intends to carry on an activity mentioned in that subsection from, by means of or on the installation,

or if the person had such a right when any such activity was last so carried on.
- (6) The activities referred to in subsection (5) are—
 - (a) the use of a controlled place for the storage of carbon dioxide (with a view to its permanent disposal, or as an interim measure prior to its permanent disposal) in the exercise of the right mentioned in subsection (5)(a);
 - (b) the conversion of any natural feature in a controlled place for the purpose of storing carbon dioxide (with a view to its permanent disposal, or as an interim measure prior to its permanent disposal) in the exercise of the right mentioned in subsection (5)(a);
 - (c) the exploration of a controlled place in the exercise of the right mentioned in subsection (5)(a) with a view to, or in connection with, the carrying on of activities within paragraph (a) or (b) of this subsection;
 - (d) the conveyance in the controlled place mentioned in subsection (5)(a) of carbon dioxide by means of a pipe or system of pipes, in the exercise of the right mentioned in subsection (5)(a); and
 - (e) the provision of accommodation for persons who work on or from an installation which is or has been maintained, or is intended to be established, for the carrying on of an activity falling within any of paragraphs (a) to (d) of this subsection.”;
- (b) in section 30(7) of that Act, in the words before paragraph (a), for “(c)” substitute “(e)”;
- (c) in section 31 of that Act, for subsection (B1) substitute—

“(B1) This subsection applies to an activity if—

 - (a) where the activity is within paragraph (a), (b) or (c) of section 30(6), the controlled place mentioned in that paragraph is one for which the installation is, or is to be, established or maintained;
 - (b) where the activity is within paragraph (d) of section 30(6), the conveyance of the carbon dioxide relates to a controlled place for which the installation is, or is to be, established;

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- (c) where the activity is within paragraph (e) of section 30(6), the installation is in a controlled place in respect of which P has a licence under section 18 of the Energy Act 2008.”;
- (d) in section 31 of that Act, omit subsection (C1);
- (e) in section 45 of that Act, in the appropriate place insert—
““controlled place” has the same meaning as in section 17 of the Energy Act 2008;”].
- (2) In relation to a carbon storage installation established or maintained at a controlled place under a licence granted by the Scottish Ministers—
- (a) the functions conferred on the Secretary of State by Part 4 of the 1998 Act are exercisable by the Scottish Ministers rather than the Secretary of State (and, accordingly, [F7]sections 38C(9) and 39(6) of the 1998 Act are to be read as if each of those sections imposed a requirement that regulations under the section concerned are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010)), and
- (b) the Scottish Ministers may make regulations providing that that Part applies with such other modifications as may be specified in the regulations.
- (3) For the purposes of subsection (2), orders under section 33(1) are to be disregarded and installations used for a purpose ancillary to getting petroleum (within the meaning of section 1 of the 1998 Act) are not to be treated as carbon storage installations.
- (4) In relation to any other carbon storage installation, the Secretary of State may make regulations providing that Part 4 of the 1998 Act applies in relation to such an installation with such modifications as may be specified in the regulations.
- [F8(4A) The power in subsection (4)—
- (a) may (in particular) be exercised to make modifications corresponding to the amendments made by Schedule 2 to the Energy Act 2016, and
- (b) is subject to section 30A.]
- [F9(4B) The powers in subsections (2)(b) and (4) include power to amend or repeal subsections (1AA) and (1AB).]
- (5) In this section [F10 and section 30A], “carbon storage installation” means an installation [F11 which is or has been maintained, or is intended to be established, for the purposes of an activity mentioned in section 17(2)(a), (b) or (c) to which subsection (6) applies].
- [F12(6) [F13 This subsection applies to any activity which is carried on from, by means of or on an installation which] is established or maintained in the water, or on the foreshore or other land intermittently covered with water, and is not connected with dry land by a permanent structure providing access at all times and for all purposes.]

Textual Amendments

- F1** Words in s. 30(1) substituted (18.12.2011) by [Energy Act 2011 \(c. 16\)](#), **ss. 107(4)(a)(i)**, 121(3)
- F2** Word in s. 30(1) inserted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), **Sch. 2 para. 13(2)**; S.I. 2016/920, reg. 2(c)
- F3** Words in s. 30(1) substituted (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), **ss. 95(2)**, 334(3)(b)
- F4** Words in s. 30(1) inserted (18.12.2011) by [Energy Act 2011 \(c. 16\)](#), **ss. 107(4)(a)(ii)**, 121(3)
- F5** S. 30(1A) inserted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), **Sch. 2 para. 13(3)**; S.I. 2016/920, reg. 2(c)
- F6** S. 30(1AA)(1AB) inserted (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), **ss. 95(3)**, 334(3)(b)

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- F7** Words in s. 30(2)(a) substituted (11.1.2024) by Energy Act 2023 (c. 52), **ss. 299(2)**, 334(1); S.I. 2024/32, reg. 2(d)(ii)
- F8** S. 30(4A) substituted (1.10.2016) by Energy Act 2016 (c. 20), s. 84(3), **Sch. 2 para. 13(4)**; S.I. 2016/920, reg. 2(c)
- F9** S. 30(4B) inserted (26.12.2023) by Energy Act 2023 (c. 52), **ss. 95(4)**, 334(3)(b)
- F10** Words in s. 30(5) inserted (18.12.2011) by Energy Act 2011 (c. 16), **ss. 107(4)(c)**, 121(3)
- F11** Words in s. 30(5) substituted (26.12.2023) by Energy Act 2023 (c. 52), **ss. 95(5)**, 334(3)(b)
- F12** S. 30(6) inserted (16.11.2011) by The Storage of Carbon Dioxide (Amendment of the Energy Act 2008 etc.) Regulations 2011 (S.I. 2011/2453), **reg. 11(b)**
- F13** Words in s. 30(6) substituted (26.12.2023) by Energy Act 2023 (c. 52), **ss. 95(6)**, 334(3)(b)

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Modifications etc. (not altering text)

- C1** S. 30(2)(b) power extended (26.12.2023) by Energy Act 2023 (c. 52), **ss. 95(7)**, 334(3)(b)
- C2** S. 30(4) power extended (26.12.2023) by Energy Act 2023 (c. 52), **ss. 95(8)**, 334(3)(b)

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Commencement Information

- I1** S. 30 in force at 6.4.2009 by S.I. 2009/45, **art. 4(a)(ii)**

Changes to legislation:

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