



Energy Act 2008

2008 CHAPTER 32

PART 1

GAS IMPORTATION AND STORAGE

CHAPTER 3

STORAGE OF CARBON DIOXIDE

Abandonment of offshore [^{F1}infrastructure]

[^{F1}30B [^{F2}Change of use relief: carbon storage network pipelines]

(1) The Secretary of State may [^{F3}, on an application made by a relevant person, by notice] designate a submarine pipeline as an eligible [^{F4}carbon storage network pipeline].

[The Secretary of State must consult the Oil and Gas Authority before deciding—

- ^{F5}(1A) (a) whether to designate a pipeline under subsection (1);
(b) whether to make a certification under subsection (3)(b).]

[^{F6}(2) An eligible carbon storage network pipeline qualifies for change of use relief if—
(a) the Secretary of State has given a CCS-related abandonment programme notice to a person in relation to the abandonment of the pipeline, and
(b) the trigger event has occurred in relation to the pipeline.

(2A) In subsection (2) “CCS-related abandonment programme notice” means an abandonment programme notice under section 29 of the 1998 Act given at a time when the pipeline is used, or is to be used wholly or mainly—

- (a) for the purpose of disposing of carbon dioxide by way of geological storage, or
(b) as a licensable means of transportation.]

[^{F7}(3) The trigger event occurs in relation to an eligible carbon storage network pipeline when—

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- (a) a decommissioning fund (as defined in section 92(7) of the Energy Act 2023) has been established for providing security for the discharge of liabilities in respect of decommissioning costs in relation to the pipeline, and
 - (b) the Secretary of State certifies by notice in writing (an “approval notice”) that one or more relevant persons have paid into the fund an amount or amounts the total of which is not less than the required amount.
- (3A) In subsection (3)—
- (a) “relevant person” means a person of a description specified in regulations made by the Secretary of State;
 - (b) “the required amount” means an amount determined by the Secretary of State in accordance with regulations made by the Secretary of State.
- (3B) Where the Secretary of State gives an approval notice in relation to an eligible carbon storage network pipeline, the Secretary of State must—
- (a) give a copy of the approval notice to every person to whom a notice has been given under section 29(1) of the 1998 Act in relation to the pipeline, and
 - (b) publish a notice that—
 - (i) specifies the pipeline, and
 - (ii) states that the Secretary of State has given an approval notice under subsection (3)(b) in relation to it.]
- (4) Where an eligible [^{F4}carbon storage network pipeline] qualifies for change of use relief, a proposal must not be made under section 34(1)(b) of the 1998 Act if the effect of the proposal (if implemented) would be to impose an abandonment liability on a person who is within section 34(2)(b) of the 1998 Act only because subsection (5) applies in relation to the person.
- (5) This subsection applies in relation to a person if the person has been within any of paragraphs (a) to (c) of section 30(2) of the 1998 Act in relation to the pipeline, but only at a time—
- (a) when the pipeline was used solely for activities other than activities connected with any mentioned in section 17(2)(a), (b) or (c), and
 - (b) before the trigger event occurred in relation to the pipeline.
- (6) The power conferred by subsection (1) does not include a power to revoke [^{F8}a notice given] under that subsection.
- [The Secretary of State must publish a notice given under subsection (1).]
- ^{F9}(6A)
- (7) In this section—
- “abandonment liability”, in relation to a submarine pipeline, is a duty to secure that an abandonment programme for the pipeline is carried out;
 - “abandonment programme”, in relation to a submarine pipeline, means a programme in respect of the pipeline approved, or having effect as if approved, by the Secretary of State under section 32 of the 1998 Act;
 - “captured carbon dioxide” [^{F10}has the same meaning] as in section 30A;
 - ^{F11} ...
 - [^{F12}“decommissioning costs” has the meaning given by section 92 of the Energy Act 2023;

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“geological storage”, in relation to carbon dioxide, has the same meaning as in Part 1 of the Energy Act 2023 (see section 55 of that Act);

“licensable means of transportation” has the meaning given by section 2(3) of the Energy Act 2023;]

“petroleum” has the same meaning as in Part 1 of the 1998 Act (see section 1 of that Act) and includes petroleum that has undergone any processing;

[^{F12}“relevant person” means a person to whom a notice may be given under section 29(1) of the 1998 Act in relation to a submarine pipeline;]

“submarine pipeline” has the same meaning as in Part 4 of the Petroleum Act 1998 (see section 45 of that Act).]

Textual Amendments

- F1** S. 30A, 30B inserted (18.12.2011) by [Energy Act 2011 \(c. 16\)](#), **ss. 107(2)**, 121(3)
- F2** [S. 30B](#) heading substituted (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), **ss. 97(2)**, 334(3)(b)
- F3** Words in [s. 30B\(1\)](#) inserted (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), **ss. 97(4)**, 334(3)(b)
- F4** Words in [s. 30B](#) substituted (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), **ss. 97(3)**, 334(3)(b)
- F5** [S. 30B\(1A\)](#) inserted (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), **ss. 97(5)**, 334(3)(b)
- F6** [S. 30B\(2\)\(2A\)](#) substituted for [s. 30B\(2\)](#) (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), **ss. 97(6)**, 334(3)(b)
- F7** [S. 30B\(3\)-\(3B\)](#) substituted for [s. 30B\(3\)](#) (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), **ss. 97(7)**, 334(3)(b)
- F8** Words in [s. 30B\(6\)](#) substituted (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), **ss. 97(8)**, 334(3)(b)
- F9** [S. 30B\(6A\)](#) inserted (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), **ss. 97(9)**, 334(3)(b)
- F10** Words in [s. 30B\(7\)](#) substituted (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), **ss. 97(10)(a)**, 334(3)(b)
- F11** Words in [s. 30B\(7\)](#) omitted (26.12.2023) by virtue of [Energy Act 2023 \(c. 52\)](#), **ss. 97(10)(b)**, 334(3)(b)
- F12** Words in [s. 30B\(7\)](#) inserted (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), **ss. 97(10)(c)**, 334(3)(b)

Changes to legislation:

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