
STATUTORY INSTRUMENTS

2010 No. 2221

**The Storage of Carbon Dioxide
(Licensing etc.) Regulations 2010**

General

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Storage of Carbon Dioxide (Licensing etc.) Regulations 2010, and come into force on 1st October 2010.

(2) In these Regulations—

- (a) any reference to a numbered section is to that section of the Energy Act 2008;
- (b) any reference to a provision contained in a Schedule includes a reference to a provision having identical legal effect to such a provision; and
- (c) any reference (except in paragraph (4)) to an EU instrument, or a provision of such an instrument, is to that instrument or provision as amended from time to time.

(3) In these Regulations—

“appraisal term” has the meaning given by regulation 3(2)(a);

“the authority” (except in regulation 9) means the Secretary of State as licensing authority under section 18(2)(a) or section 18(2)(d) or both;

“CO₂” means carbon dioxide;

“corrective measures plan” has the meaning given by regulation 7(6);

“the Directive” means Directive [2009/31/EC](#) of the European Parliament and of the Council of 23 April 2009 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(1);

“the Environmental Liability Directive” means Directive [2004/35/EC](#) of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage(2);

“the ETS Directive” means Directive [2003/87/EC](#) of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive [96/61/EC](#)(3);

“financial security” includes—

- (a) a charge over a bank account or any other asset;
- (b) a deposit of money;

(1) OJ No L 140, 5.6.2009, p 114.

(2) OJ No L 143, 30.4.2004, p 56; amended by European Parliament and Council Directives [2006/21/EC](#) (OJ No L 102, 11.4.2006, p 15) and [2009/31/EC](#).

(3) OJ No L 275, 25.10.2003, p 32; amended by European Parliament and Council Directives [2004/101/EC](#) (OJ No L 338, 13.11.2004, p 18), [2008/101/EC](#) (OJ No L 8, 13.1.2009, p 3) and [2009/29/EC](#) (OJ No L 140, 5.6.2009, p 63), and by Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009 (OJ No L 87, 31.3.2009, p 109).

- (c) a performance bond or guarantee;
- (d) an insurance policy;
- (e) a letter of credit;

“general exploration licence” means any licence granted by the authority under section 18(1) which authorises only activities within section 17(2)(c) and the establishment or maintenance of an installation in a controlled place for the purpose of such activities and which—

- (a) does not grant to the holder or holders the sole right to carry out exploration of a controlled place, and
- (b) is issued in combination with—
 - (i) a licence under section 4 to explore any controlled place with a view to carrying on activities within section 2(3)(a) to (d) and establish or maintain an installation in a controlled place for the purposes of such exploration, or
 - (ii) a licence under section 3 of the Petroleum Act 1998⁽⁴⁾ to search for petroleum in any area below the low water line or in the seaward areas as defined by regulation 3(1)(a) of the Petroleum (Production) (Seaward Areas) Regulations 1988⁽⁵⁾;

“injection” means injection of CO₂ into a storage site;

“legislation” means legislation in force in the United Kingdom (whether passed, or made, before or after the commencement of these Regulations);

“licence” (except in regulation 9) means a licence (other than a general exploration licence) granted by the authority under section 18(1) in respect of—

- (a) activities within section 17(2)(a) to (c) and a controlled place which is not in, under or over the territorial sea adjacent to Scotland, or
- (b) the establishment or maintenance in a controlled place which is not in, under or over the territorial sea adjacent to Scotland of an installation for the purposes of activities within section 17(2),

(and “licence holder” is to be construed accordingly);

“licensed area” means the area within which activities are authorised under the licence;

“monitoring plan” has the meaning given by regulation 7(5);

“operator”, in relation to a storage permit, means the person who carries on or (where different) controls activities at the storage site;

“post-closure plan” has the meaning given by regulation 13(3) or (4);

“provisional post-closure plan” has the meaning given by regulation 13(2);

“storage permit” means a consent granted under a licence, authorising the use of a place as a storage site;

“target date” has the meaning given by regulation 11(3)(a).

(4) The following expressions have the meanings given by Article 3 of the Directive (and cognate expressions are to be construed accordingly)—

- “closure” (in relation to a storage site);
- “corrective measures”;
- “CO₂ plume”;

⁽⁴⁾ 1998 c. 17.

⁽⁵⁾ S.I. 1988/1213; regulation 3(1)(a) and Schedule 1 were amended by S.I. 1992/2378; there are other amendments to the instrument that are not relevant to these Regulations.

“CO₂ stream”;
“exploration”;
“hydraulic unit”;
“leakage”;
“migration”;
“significant irregularity”;
“significant risk”;
“storage complex”;
“storage site”;
“substantial change”;
“waste”;
“water column”.