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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2011 No.**

**The Energy Act 2008 (Storage of Carbon Dioxide) (Scotland) Regulations 2011**

**Amendment of the Energy Act 2008**

- 2.—(1) The Energy Act 2008(1) is amended in accordance with this regulation.
- (2) In section 17 (prohibition on unlicensed activities), after subsection (3) insert—
- “ (4) In relation to Scotland, “controlled place” includes—
- (a) a place in Scotland, or
- (b) a place within the seaward limits of the territorial sea adjacent to Scotland.”.
- (3) In section 18 (licences)—
- (a) in subsection (2)(a), for “in, under or over the territorial sea adjacent to Scotland” substitute “a Scottish controlled place”;
- (b) in subsection (2)(b), for “controlled place which is in, under or over that territorial sea” substitute “Scottish controlled place”;
- (c) in subsection (2)(c), for “that territorial sea” substitute “the territorial sea adjacent to Scotland”; and
- (d) after subsection (4) insert—
- “ (5) In this section, “Scottish controlled place” means—
- (a) a controlled place in Scotland, or
- (b) a controlled place within the seaward limits of the territorial sea adjacent to Scotland.”.
- (4) In section 22 (offence to carry on unlicensed activities), after subsection (4) insert—
- “ (5) If the activity constituting the offence is carried out in a Scottish controlled place other than a place within the area of the territorial sea, subsection (3)(a) has effect as if the reference to £50,000 were a reference to £5,000.”.
- (5) In section 26(1) (injunctions restraining breaches of section 17(1)) for “controlled place in, under or over the territorial sea adjacent to Scotland” substitute “Scottish controlled place”.
- (6) In section 35(1) (Chapter 3: interpretation)—
- (a) in the definition of “controlled place”, after “17(3)” insert “and (4)”; and
- (b) after the definition of “licensing authority” insert—
- ““Scottish controlled place” has the meaning given by section 18(5).”