
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Chapter 3 of Part 1 of the Energy Act 2008 (“the Act”) as part of the implementation of Directive [2009/31/EC](#) of the European Parliament and of the Council on the geological storage of carbon dioxide (O.J. L 140, 5.6.2009, p.114).

Regulation 2(2) amends section 17 of the Act, so that the prohibition on the storage of carbon dioxide, and related activities, without a licence is extended to include all parts of Scotland landward of the Scottish territorial sea (“the landward area”).

Regulation 2(3) makes corresponding amendments to section 18 of the Act to provide that the Scottish Ministers are the licensing authority for the extended area.

Regulation 2(4) amends section 22 of the Act to modify the penalties that can be imposed on summary conviction for offences committed in the landward area.

Regulation 2(5) makes a consequential amendment to section 26 of the Act, which deals with interdict.

A Business and Regulatory Impact Assessment has not been prepared for this instrument because it has no impact on the cost of business.