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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 24**

**The Storage of Carbon Dioxide (Licensing  
etc.) (Scotland) Regulations 2011**

*Closure of storage site and post-closure period*

**Post-closure plan**

**12.**—(1) Before applying for a storage permit, the licence holder must draw up a proposed provisional post-closure plan that is—

- (a) based on best practice; and
- (b) in accordance with Annex II to the Directive.

(2) Before granting a storage permit, the authority must—

- (a) approve that proposed plan, or
- (b) require the operator to make such modifications to it as the authority (after consulting the operator) considers necessary,

and the provisional post-closure plan is the plan as so approved or modified.

(3) The authority may—

- (a) approve a proposed post-closure plan submitted to it for approval in accordance with provisions in the licence included by virtue of regulation 5 and paragraph 3(1) of Schedule 1; or
- (b) require the operator to make such modifications to it as the authority (after consulting the operator) considers necessary,

and the post-closure plan is the plan as so approved or modified.

(4) Where the authority is deemed to be the operator in accordance with regulation 11(4), the post-closure plan is the provisional post-closure plan with such modifications as the authority considers necessary.

**Post-closure obligations**

**13.**—(1) This regulation applies after the storage site has been closed and until the licence is terminated.

(2) The operator must continue to—

- (a) monitor the site in accordance with the provisions in the storage permit included by virtue of regulation 8(d) and paragraph 2 of Schedule 2;
- (b) comply with its reporting and notification obligations in accordance with the provisions in the storage permit included by virtue of regulation 8(d) and paragraph 3 of Schedule 2 (with the exception of the obligation in the provision included by virtue of subparagraph (5)(b)); and
- (c) comply with its obligations to take corrective measures in accordance with the provisions in the storage permit included by virtue of regulation 8(d) and paragraph 6 of Schedule 2.

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**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Storage of Carbon Dioxide (Licensing etc.) (Scotland) Regulations 2011. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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(3) For those purposes any reference to the monitoring plan or the corrective measures plan is to be read as a reference to the post-closure plan.

(4) The operator must seal the storage site and remove the injection facilities in accordance with its obligations under Part 4 of the Petroleum Act 1998.

(5) The closure of the storage site is without prejudice to the obligations of the operator—

- (a) under legislation implementing Articles 5 to 8 of the Environmental Liability Directive;  
and
- (b) relating to the surrender of allowances under the ETS Directive.

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**Changes and effects yet to be applied to :**

- Regulations power to amend conferred by [2023 c. 52 s. 93\(10\)\(b\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 2 para. 7(5)(d) and word inserted by [S.S.I. 2011/457 reg. 5\(b\)](#)
- Sch. 3 inserted by [S.S.I. 2011/457 reg. 6Sch.](#)
- reg. 1(5) inserted by [S.S.I. 2021/354 reg. 3\(c\)](#)
- reg. 14-18 inserted by [S.S.I. 2011/457 reg. 4](#)