

2022 No. 1190

EXITING THE EUROPEAN UNION

ENVIRONMENTAL PROTECTION

**The Storage of Carbon Dioxide (Amendment) (EU Exit)
Regulations 2022**

<i>Sift requirements satisfied</i>	<i>1st November 2022</i>
<i>Made - - - -</i>	<i>9th November 2022</i>
<i>Laid before Parliament</i>	<i>16th November 2022</i>
<i>Coming into force</i>	<i>12th December 2022</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(a).

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 (relating to the appropriate Parliamentary procedure for these regulations) have been satisfied.

Citation and commencement

1. These Regulations may be cited as the Storage of Carbon Dioxide (Amendment) (EU Exit) Regulations 2022 and come into force on 12th December 2022.

Amendments to the Storage of Carbon Dioxide (Licensing etc.) Regulations 2010

2. The Storage of Carbon Dioxide (Licensing etc.) Regulations 2010(b) are amended as follows.

3. In regulation 1(3), in the definition of “climate change legislation”(c), for sub-paragraphs (a) and (b) substitute—

- “(a) the Greenhouse Gas Emissions Trading Scheme Regulations 2012(d);
- (b) the Greenhouse Gas Emissions Trading Scheme Order 2020(e); or”.

(a) 2018 c. 16. Section 8 has been amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1). Paragraph 21 of Schedule 7 has been amended by paragraph 53(2) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020.

(b) S.I. 2010/2221. This has been amended by section 84 of the Energy Act 2016 (c. 20), S.I. 2012/461, S.I. 2016/912, and S.I. 2019/544.

(c) This definition was added by regulation 2(2)(a)(i), S.I. 2019/544.

(d) S.I. 2012/3038. Part 3 of S.I. 2020/1369 provides for the ongoing application, with modifications, of the 2012 Regulations in relation to the emissions of greenhouse gases on or before 31st December 2020. Relevant amending instruments are S.I. 2013/755 (W. 90), S.I. 2013/3135, S.I. 2014/3125, S.I. 2015/1849, S.I. 2016/1154, S.I. 2017/1207, S.I. 2018/306, S.I. 2019/644, S.I. 2019/1440, and S.I. 2020/18.

(e) S.I. 2020/1265. This has been amended by S.I. 2020/1557.

4. In regulation 1(3), in the definition of “legislation”(a) omit “(except in paragraph (b) of the definition of “climate change legislation”)”.

5. In regulation 6(3)(h), for “exit day” substitute “IP completion day”.

6. In regulation 12(4)(e), for “exit day” substitute “IP completion day”.

7. In regulation 14(a), for “exit day” substitute “IP completion day”.

Amendments to the Storage of Carbon Dioxide (Termination of Licences) Regulations 2011

8. The Storage of Carbon Dioxide (Termination of Licences) Regulations 2011(b) are amended as follows.

9. In regulation 14(2)(d), for “exit day” substitute “IP completion day”.

10. In regulation 14(3)(a), for paragraphs (i) and (ii) substitute—

“(i) the Greenhouse Gas Emissions Trading Scheme Regulations 2012;

(ii) the Greenhouse Gas Emissions Trading Scheme Order 2020; or”.

11. In regulation 14(3)(f), in the definition of “legislation”(c) omit “(except in sub-paragraph (a)(ii))”.

Graham Stuart

Minister of State for Climate

9th November 2022

Department for Business, Energy and Industrial Strategy

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments using powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular, under sections 8(2)(c) and (d)).

Regulations 3 and 10 amend the definition of climate change legislation used in the licensing regime for the storage of carbon dioxide, to reflect UK legislation in respect of greenhouse gas emission trading schemes. This definition is used to clarify the obligations on operators for the offset of emissions in relation to post-closure of a storage site, notification of leakages and financial security. In specific cases, others also have obligations for the offset of emissions: the Oil and Gas Authority, in relation to storage permit revocation and notification with regard to financial security, and the appropriate Minister, when a licence is terminated and the licence holder’s obligations are transferred to the Minister. Regulations 4 and 11 omit reference to an exception to the definition of “legislation” that is no longer required due to the changes made by regulations 3 and 10.

Regulations 5-7 and 9 change references in the amended legislation from “exit day” to “IP completion day”.

(a) This definition was added by regulation 2(2)(a)(iv), S.I. 2019/544.

(b) S.I. 2011/1483. This has been amended by regulation 19, S.I. 2016/912, and regulation 3, S.I. 2019/544.

(c) This definition was added by regulation 3(5)(c), S.I. 2019/544.

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