

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3879 of 29 September, 2011

LEGAL NOTICE NO. 172 OF 2011.

INTERPRETATION AND GENERAL CLAUSES ACT

**LARGE COMBUSTION PLANTS ACT 2003 (AMENDMENT)
REGULATIONS 2011**

In exercise of the powers conferred upon it by section 23(g)(ii) of the Interpretation and General Clauses Act and for the purpose of partly transposing into the law of Gibraltar 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, the Government has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the Large Combustion Plants Act 2003 (Amendment) Regulations 2011 and come into operation on the day of publication.

Amendment of Act.

2. The Large Combustion Plants Act 2003 is amended—

- (a) in section 4(2) after the words “laid down in Schedules 1 to 5” insert the words “and any other condition that the Authority deems necessary for compliance with the provisions of this Act.”;
- (b) after section 11 insert the following section—

“Capture of carbon dioxide.

11A.(1) If the conditions in subsection (2)(a) are met on the basis of the assessment referred to in subsection (2)(b), together with other available information,

particularly concerning the protection of the environment and human health, the Authority shall ensure that a licence contains the condition that suitable space on the installation site for the equipment necessary to capture and compress carbon dioxide is set aside.

- (2) For the purposes of subsection (1)–
 - (a) the conditions are–
 - (i) the combustion plant has a rated electrical output of 300 megawatts or more
 - (ii) the original operating licence under section 4 is granted after 25 June 2011;
 - (b) the operator has assessed whether–
 - (i) suitable storage sites are available,
 - (ii) transport facilities are technically and economically feasible;
 - (iii) it is technically and economically feasible to retrofit for carbon dioxide capture.”.

Dated 29th September, 2011.

P R CARUANA QC,
Chief Minister,
For the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the Large Combustion Plants Act 2003 to allow for licences issued in respect of plants which exceed 300 megawatts to require operators to make space available for the capture and compression of carbon dioxide, subject to certain conditions and following an assessment.

