

**Changes to legislation:** Electricity Act 1989, Cross Heading: Defaults in relation to evidence is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## F<sup>1</sup> SCHEDULES

### [<sup>F1</sup>SCHEDULE 5A U.K.]

#### PROCEDURE FOR APPEALS UNDER SECTION 11C

##### Textual Amendments

**F1** Sch. 5A inserted (10.11.2011) by [The Electricity and Gas \(Internal Markets\) Regulations 2011 \(S.I. 2011/2704\)](#), regs. 1(1), 43(9), [Sch. 6](#) (with reg. 44)

##### Modifications etc. (not altering text)

**C1** [Sch. 5A](#) applied (with modifications) (1.6.2022) by [Nuclear Energy \(Financing\) Act 2022 \(c. 15\)](#), s. [10\(2\)-\(4\)](#), [44\(2\)](#)

#### *Defaults in relation to evidence*

10. (1) If a person (“the defaulter”)—
- fails to comply with a notice issued or other requirement imposed under paragraph 6, 7 or 8;
  - in complying with a notice under paragraph 8, makes a statement that is false in any material particular; or
  - in providing information verified in accordance with a statement of truth required by appeal rules, provides information that is false in a material particular,
- [<sup>F2</sup>an authorised member of the CMA] may certify the failure, or the fact that such a false statement has been made or such false information has been given, to the High Court or the Court of Session.
- (2) The High Court or Court of Session may inquire into a matter certified to it under this paragraph; and if, after having heard—
- any witness against or on behalf of the defaulter; and
  - any statement in the defaulter’s defence,
- it is satisfied that the defaulter did, without reasonable excuse, fail to comply with the notice or other requirement, or made the false statement, or gave the false information, that court may punish that defaulter as if the person had been guilty of contempt of court.
- (3) Where the High Court or Court of Session has power under this paragraph to punish a body corporate for contempt of court, it may so punish any director or other officer of that body (either instead of or as well as punishing the body).
- (4) A person who wilfully alters, suppresses or destroys a document that that person has been required to produce under paragraph 6 is guilty of an offence and shall be liable—
- on summary conviction, to—

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- (i) in England and Wales, a fine not exceeding the statutory maximum,  
and
- (ii) in Scotland, a fine not exceeding £5,000;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.]

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**Textual Amendments**

**F2** Words in Sch. 5A para. 10(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013](#) (c. 24), s. 103(3), [Sch. 6 para. 44\(11\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)

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

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

- s. 4(1)(f) and word inserted by [2023 c. 52 s. 186\(3\)\(b\)](#)
- s. 4(1)(ca) inserted by [2023 c. 52 s. 166\(2\)](#)
- s. 4(1)(da) inserted by [2023 c. 52 s. 205\(2\)\(b\)](#)
- s. 4(3H)(3I) inserted by [2023 c. 52 s. 186\(4\)](#)
- s. 4(3CA) inserted by [2023 c. 52 s. 205\(3\)](#)
- s. 4(3EA) inserted by [2023 c. 52 s. 205\(5\)](#)
- s. 6(1)(g) and word inserted by [2023 c. 52 s. 186\(7\)\(b\)](#)
- s. 6(1)(ea) inserted by [2023 c. 52 s. 205\(8\)\(b\)](#)
- s. 6(2C) inserted by [2023 c. 52 s. 186\(8\)](#)
- s. 6(2AA) inserted by [2023 c. 52 s. 205\(9\)](#)
- s. 6(6E) inserted by [2023 c. 52 s. 205\(10\)](#)
- s. 7(3GA) inserted by [2023 c. 52 s. 186\(17\)](#)
- s. 7A(11B) inserted by [2023 c. 52 s. 186\(18\)](#)
- s. 8A(1C) inserted by [2023 c. 52 s. 206\(6\)](#)
- s. 10NA inserted by [2023 c. 52 s. 207\(2\)](#)
- s. 11E(2)(d) and word inserted by [2013 c. 32 s. 138\(5\)\(b\)\(iii\)](#)
- s. 15(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 3(2)(b) (as substituted) by S.I. [2019/1245 reg. 19](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 25(8A) inserted by [2023 c. 52 Sch. 14 para. 7\(3\)](#)
- s. 44A inserted by [1992 c. 43 s. 23](#)
- s. 44A(6)(b)(i) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 44B(1)(a)(iiia) inserted by [2023 c. 52 Sch. 17 para. 8](#)
- s. 44B(1)(vi) and word inserted by S.I. [2024/706 reg. 3\(11\)\(b\)](#)
- s. 56C(6)(d) and word inserted by [2013 c. 32 s. 138\(5\)\(d\)\(ii\)](#)
- Sch. 6A para. 9ZA and cross-heading inserted by [2023 c. 52 Sch. 14 para. 8](#)
- Sch. 6A para. 4A and cross-heading inserted by S.I. [2024/706 reg. 3\(14\)\(b\)](#)