
Changes to legislation: Climate Change Act 2008, Cross Heading: Offences is up to date with all changes known to be in force on or before 19 July 2018. 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)

SCHEDULES

SCHEDULE 2 **E+W+S+N.I.**

TRADING SCHEMES

PART 3 E+W+S+N.I.

ADMINISTRATION AND ENFORCEMENT

Offences

- 30 (1) The regulations may create offences relating to trading schemes.
- (2) The regulations may provide for such an offence to be triable—
- (a) only summarily, or
 - (b) either summarily or on indictment.
- (3) The regulations may provide for such an offence to be punishable on summary conviction—
- (a) with imprisonment for a term not exceeding such period as is specified in the regulations (which may not exceed the normal maximum term),
 - (b) with a fine not exceeding such amount as is so specified (which may not exceed £50,000), or
 - (c) with both.
- (4) The “normal maximum term” means—
- (a) in relation to England and Wales—
 - (i) in the case of an offence triable only summarily, 51 weeks, and
 - (ii) in the case of an offence triable either summarily or on indictment, twelve months;
 - (b) in relation to Scotland—
 - (i) in the case of an offence triable only summarily, 6 months, and
 - (ii) in the case of an offence triable either summarily or on indictment, twelve months;
 - (c) in relation to Northern Ireland, six months.
- (5) Regulations that—
- (a) are made before the date on which section 281(5) of the Criminal Justice Act 2003 (c. 44) comes into force, and
 - (b) in relation to England and Wales, make provision for a summary offence to be punishable with a term of imprisonment exceeding six months,
- must provide that, where the offence is committed before that date, it is punishable with imprisonment for a term not exceeding six months.
- (6) Regulations that—

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- (a) are made before the date on which section 154(1) of the Criminal Justice Act 2003 comes into force, and
 - (b) in relation to England and Wales, make provision for an offence triable either summarily or on indictment to be punishable on summary conviction with a term of imprisonment exceeding six months,
- must provide that, where the offence is committed before that date, it is punishable on summary conviction with imprisonment for a term not exceeding six months.
- (7) The regulations may provide for an offence to be punishable on indictment—
- (a) with imprisonment for a term not exceeding such period as is specified in the regulations (which may not exceed five years),
 - (b) with a fine, or
 - (c) with both.
- (8) The regulations may—
- (a) provide for defences against offences, and
 - (b) make provision about matters of procedure and evidence in proceedings relating to offences.

Changes to legislation:

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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. 86(1)(a) words renumbered as s. 86(1)(a) by 2016 c. 22 s. 211(2)(a)
- s. 86(1)(b) and word inserted by 2016 c. 22 s. 211(2)(b)
- s. 86(7A)(7B) inserted by 2016 c. 22 s. 211(5)