

Status: Point in time view as at 05/10/2004.

Changes to legislation: Energy Act 2004, Paragraph 11 is up to date with all changes known to be in force on or before 30 May 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)

SCHEDULES

SCHEDULE 22

PROCEDURE FOR APPEALS UNDER SECTION 173

Defaults in relation to evidence

- 11 (1) If a person (“the defaulter”)—
- (a) fails to comply with a notice or other requirement issued or imposed under paragraph 8, 9 or 10,
 - (b) in complying with a notice under paragraph 10, makes a statement that is false in any material particular, or
 - (c) in providing information otherwise verified in accordance with a statement of truth required by appeal rules, provides information that is false in a material particular,
- a member of the Commission may certify the failure, or the fact that such a false statement has been made, 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—
- (a) any witness against or on behalf of the defaulter, and
 - (b) any statement in his defence,
- it is satisfied that the defaulter did, without reasonable excuse, refuse or otherwise fail to comply with the notice or other requirement, or made the false statement, that court may punish him as if he 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 he has been required to produce under paragraph 8 is guilty of an offence and shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

Commencement Information

II Sch. 22 para. 11 in force at 5.10.2004 by [S.I. 2004/2575](#), art. 2(1), [Sch. 1](#)

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