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*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 17 April 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*

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## SCHEDULES

### SCHEDULE 2

#### TRADING SCHEMES

#### PART 3

##### 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 [<sup>F1</sup>2 May 2022], 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.

#### **Textual Amendments**

**F1** Words in Sch. 2 para. 30(6)(a) substituted (28.4.2022) by The Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022 (S.I. 2022/500), regs. 1(2), **5(1)**, Sch. Pt. 1

**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\(5\)](#)