



Energy Act 2008

2008 CHAPTER 32

PART 1

GAS IMPORTATION AND STORAGE

CHAPTER 3

STORAGE OF CARBON DIOXIDE

Enforcement

22 Offence to carry on unlicensed activities

- (1) It is an offence for a person to carry on an activity within section 17(2) at a controlled place unless, at the time the activity is carried on, that person—
 - (a) has a licence for the carrying on of the activity at that place, or
 - (b) is carrying on the activity on behalf of a person who has such a licence.
- (2) It is an offence for a person to cause or permit another person to commit the offence in subsection (1).
- (3) A person guilty of an offence under this section is liable—
 - (a) on summary conviction, to [^{F1}a fine not exceeding £50,000][^{F1}a fine], or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or both.
- (4) If the activity constituting the offence falls within section 17(2)(c), or relates to the establishment or maintenance of an installation for the purposes of an activity mentioned in that provision, subsection (3) has effect as if—
 - [^{F2}(a) the reference to £50,000 were a reference to the statutory maximum, and]
 - (b) the reference to imprisonment were omitted.

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2008, Section 22. (See end of Document for details)

[^{F3}[^{F4}(4A) If the activity constituting the offence is carried on at an English controlled place, a Welsh controlled place or a Northern Ireland controlled place, subsection (3) has effect as if the reference to £50,000 were a reference to the statutory maximum.]]

[^{F5}(5) If the activity constituting the offence is carried out in a Scottish controlled place other than a place within the area of the territorial sea, subsection (3)(a) has effect as if the reference to £50,000 were a reference to £5,000.]

Textual Amendments

- F1** Words in s. 22(3)(a) substituted (E.W.) (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 4 para. 42(2)(a)** (with reg. 5(1))
- F2** S. 22(4)(a) omitted (E.W.) (12.3.2015) by virtue of [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 4 para. 42(2)(b)** (with reg. 5(1))
- F3** S. 22(4A) inserted (16.11.2011) by [The Storage of Carbon Dioxide \(Amendment of the Energy Act 2008 etc.\) Regulations 2011 \(S.I. 2011/2453\)](#), **reg. 6**
- F4** S. 22(4A) omitted (E.W.) (12.3.2015) by virtue of [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 4 para. 42(2)(c)** (with reg. 5(1))
- F5** S. 22(5) inserted (1.4.2011) by [The Energy Act 2008 \(Storage of Carbon Dioxide\) \(Scotland\) Regulations 2011 \(S.S.I. 2011/224\)](#), regs. 1, **2(4)**

Commencement Information

- I1** S. 22 in force at 6.4.2009 by [S.I. 2009/45](#), **art. 4(a)(ii)**

Changes to legislation:

There are currently no known outstanding effects for the Energy Act 2008, Section 22.