



# Energy Act 2008

## 2008 CHAPTER 32

### PART 1

#### GAS IMPORTATION AND STORAGE

### CHAPTER 2

#### IMPORTATION AND STORAGE OF COMBUSTIBLE GAS

#### *Enforcement*

### 9 Offences relating to licences

- (1) An offence is committed by a licence holder if—
  - (a) a thing is done for which the licence specifies that the prior consent of the [F<sup>1</sup>OGA] or any other person is required, without that consent first having been obtained;
  - (b) such a thing is done in circumstances where that consent was obtained subject to conditions and those conditions have not been satisfied;
  - (c) the licence holder fails to keep records, give a notice or make a return or report, in accordance with the provisions of the licence;
  - (d) the licence holder breaches any other provision of the licence which is specified, or of a description specified, in an order made by the Secretary of State.
- (2) In proceedings against a person for an offence under subsection (1), it is a defence for the person to prove that due diligence was exercised to avoid committing the offence.
- (3) It is an offence for a person to make a statement which the person knows to be false, or recklessly to make a statement which is false, in order to obtain—
  - (a) a licence, or

---

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2008, Section 9. (See end of Document for details)*

---

- (b) the consent of the [F<sup>2</sup>OGA] or any other person for the purposes of any requirement imposed by virtue of section 6(4).
- (4) It is an offence for a person to fail to disclose information which the person knows, or ought to know, to be relevant to an application for—
  - (a) a licence, or
  - (b) the consent of the [F<sup>3</sup>OGA] or any other person for the purposes of any requirement imposed by virtue of section 6(4).
- (5) A person guilty of an offence under this section is liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum, or
  - (b) on conviction on indictment, to a fine.

#### Textual Amendments

- F1** Word in s. 9(1)(a) substituted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), **Sch. 1 para. 46(2)**; S.I. 2016/920, reg. 2(a)
- F2** Word in s. 9(3)(b) substituted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), **Sch. 1 para. 46(3)**; S.I. 2016/920, reg. 2(a)
- F3** Word in s. 9(4)(b) substituted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), **Sch. 1 para. 46(4)**; S.I. 2016/920, reg. 2(a)

#### Commencement Information

- I1** S. 9 in force at 13.11.2009 for specified purposes by S.I. 2009/2809, **art. 2** (with art. 4)

**Changes to legislation:**

There are currently no known outstanding effects for the Energy Act 2008, Section 9.