



Energy Act 2008

2008 CHAPTER 32

PART 1

GAS IMPORTATION AND STORAGE

CHAPTER 3

STORAGE OF CARBON DIOXIDE

Enforcement

23 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 licensing authority 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 licensing authority.

[^{F1}(1A) But a licence holder does not commit an offence under subsection (1)(a) or (b) if—

- (a) the licence holder is a company, or, where there are joint licence holders, any of them is a company, and
- (b) the thing mentioned in subsection (1)(a) or (b) is a change in the control of the company.]

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2008, Section 23. (See end of Document for details)

- (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) A person guilty of an offence under subsection (1) is liable—
- (a) on summary conviction, to [^{F2}a fine not exceeding £50,000][^{F2}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 an offence under subsection (1) relates to an activity 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—
- [^{F3}(a) the reference to £50,000 were a reference to the statutory maximum, and]
 - (b) the reference to imprisonment were omitted.
- (5) 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
 - (b) the consent of the licensing authority or any other person for the purposes of any requirement imposed by virtue of section 20(6).
- (6) 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 licensing authority or any other person for the purposes of any requirement imposed by virtue of section 20(6).
- (7) A person guilty of an offence under subsection (5) or (6) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
 - (b) on conviction on indictment, to a fine.
- [^{F4}(8) In subsection (1)(d) “licensing authority” does not include the Welsh Ministers or the Department of Enterprise, Trade and Investment in Northern Ireland.]

Textual Amendments

- F1** S. 23(1A) inserted (11.1.2024) by [Energy Act 2023 \(c. 52\)](#), **ss. 105**, 334(1); S.I. 2024/32, reg. 2(a)(iii)
- F2** Words in s. 23(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(3)(a)** (with reg. 5(1))
- F3** S. 23(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(3)(b)** (with reg. 5(1))
- F4** S. 23(8) inserted (16.11.2011) by [The Storage of Carbon Dioxide \(Amendment of the Energy Act 2008 etc.\) Regulations 2011 \(S.I. 2011/2453\)](#), **reg. 7**

Commencement Information

- I1** S. 23 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 23.