



Energy Act 2008

2008 CHAPTER 32

PART 1

GAS IMPORTATION AND STORAGE

CHAPTER 3

STORAGE OF CARBON DIOXIDE

Enforcement

26 Injunctions restraining breaches of section 17(1)

[^{F1}(A1) Where the [^{F2}OGA] considers it necessary or expedient to restrain any actual or apprehended breach of section 17(1) in relation to an English controlled place, the [^{F2}OGA] may apply to the High Court for an injunction.

(A2) Where the Welsh Ministers consider it necessary or expedient to restrain any actual or apprehended breach of section 17(1) in relation to a Welsh controlled place, they may apply to the High Court for an injunction.]

(1) Where the Scottish Ministers consider it necessary or expedient to restrain any actual or apprehended breach of section 17(1) in relation to a [^{F3}controlled place in, under or over the territorial sea adjacent to Scotland][^{F3}Scottish controlled place], they may apply to the Court of Session for an interdict.

[^{F4}(1A) Where the Department of Enterprise, Trade and Investment in Northern Ireland considers it necessary or expedient to restrain any actual or apprehended breach of section 17(1) in relation to a Northern Ireland controlled place, it may apply to the High Court for an injunction.]

(2) Where the [^{F2}OGA] considers it necessary or expedient to restrain any ^{F5}...actual or apprehended breach of section 17(1) [^{F6}in relation to an offshore UK-controlled place], the [^{F2}OGA] may apply—

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2008, Section 26. (See end of Document for details)

- (a) to the High Court for an injunction, or
 - (b) to the Court of Session for an interdict.
- (3) An application may be made under this section whether or not the applicant has exercised or is proposing to exercise any of the other powers under this Chapter.
- (4) On an application under this section, the Court of Session may grant such an interdict, or the High Court may grant such an injunction, as it thinks appropriate for the purpose of restraining the breach.
- (5) Rules of court may provide for an injunction or interdict to be issued against a person whose identity is unknown.

Textual Amendments

- F1** S. 26(A1)(A2) inserted (16.11.2011) by [The Storage of Carbon Dioxide \(Amendment of the Energy Act 2008 etc.\) Regulations 2011 \(S.I. 2011/2453\)](#), **reg. 8(a)**
- F2** Word in s. 26 substituted (1.10.2016) by [Energy Act 2016 \(c. 20\)](#), s. 84(3), **Sch. 1 para. 56**; [S.I. 2016/920](#), reg. 2(a)
- F3** Words in s. 26(1) substituted (S.) (1.4.2011) by [The Energy Act 2008 \(Storage of Carbon Dioxide\) \(Scotland\) Regulations 2011 \(S.S.I. 2011/224\)](#), regs. 1, **2(5)**
- F4** S. 26(1A) inserted (16.11.2011) by [The Storage of Carbon Dioxide \(Amendment of the Energy Act 2008 etc.\) Regulations 2011 \(S.I. 2011/2453\)](#), **reg. 8(b)**
- F5** Word in s. 26(2) omitted (16.11.2011) by virtue of [The Storage of Carbon Dioxide \(Amendment of the Energy Act 2008 etc.\) Regulations 2011 \(S.I. 2011/2453\)](#), **reg. 8(c)(i)**
- F6** Words in s. 26(2) inserted (16.11.2011) by [The Storage of Carbon Dioxide \(Amendment of the Energy Act 2008 etc.\) Regulations 2011 \(S.I. 2011/2453\)](#), **reg. 8(c)(ii)**

Commencement Information

- I1** S. 26 in force at 6.4.2009 by [S.I. 2009/45](#), **art. 4(a)(ii)**

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