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STATUTORY INSTRUMENTS

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**2013 No. 1389**

**The Electricity and Gas (Market Integrity and  
Transparency) (Enforcement etc.) Regulations 2013**

**PART 3**

Information and Investigations

Offences

**Offences**

**20.**—(1) If a person fails to comply with a requirement to which paragraph (2) applies the Authority may certify that fact in writing to the court.

(2) This paragraph applies in relation to a requirement imposed under regulation 9, 11, 12, 13 or 14, except a requirement imposed by regulation 13(8).

(3) If the court is satisfied that the defaulter (“DP”) failed without reasonable excuse to comply with the requirement, it may deal with DP (and in the case of a body corporate, any director or officer) as if DP (or the director or officer) were in contempt; and “officer”, in relation to a limited liability partnership, means a member of the limited liability partnership.

(4) The jurisdiction conferred by paragraphs (1) to (3) is exercisable by the High Court and the Court of Session.

(5) A person (“OP”) who knows or suspects that an investigation is being or is likely to be conducted under this Part is guilty of an offence if—

- (a) OP falsifies, conceals, destroys or otherwise disposes of a document which OP knows or suspects is or would be relevant to such an investigation; or
- (b) OP causes or permits the falsification, concealment, destruction or disposal of such a document,

unless OP shows that OP had no intention of concealing facts disclosed by the documents from the Authority.

(6) A person (“OP”) who, in purported compliance with a requirement imposed on OP under this Part—

- (a) provides information that OP knows to be false or misleading in a material particular; or
- (b) recklessly provides information which is false or misleading in a material particular,

is guilty of an offence.

(7) A person guilty of an offence under paragraph (5) or (6) is liable—

(a) on summary conviction—

- (i) in England and Wales, to imprisonment for a term not exceeding three months or a fine not exceeding the statutory maximum, or both; and

- (ii) in Scotland, to imprisonment for a term not exceeding three months or a fine not exceeding £5,000, or both; or
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both.
- (8) Any person who intentionally obstructs the exercise of any rights conferred by a warrant under this Part is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding level 5 on the standard scale, or both.

**Changes to legislation:**

There are currently no known outstanding effects for the The Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) Regulations 2013, Offences.