

CHAPTER 99

ENERGY ACT 2008 – INTERDICTS

Applications for interdict against unknown persons

99.1.—(1) Paragraph (2) applies to applications for interdict under sections 12 or 26 of the Energy Act 2008.

(2) Interdict may be granted against a person whose identity is unknown to the applicant and “the respondent” is the person against whom interdict is sought.

(3) Paragraphs (4) to (8) apply where an interdict is sought against such a person.

(4) An application for interdict under this Chapter is to be made by petition.

(5) The statement of facts must include averments stating—

- (a) that the applicant has been unable to ascertain the respondent’s identity within the time reasonably available to the appellant;
- (b) the steps taken by the applicant to ascertain the respondent’s identity;
- (c) a description of the respondent and, where relevant, the means by which the respondent is described in the petition;
- (d) that the description of the respondent is the best the applicant is able to provide.

(6) The court shall order the taking of such steps to make the respondent aware of the application as the court considers appropriate in the circumstances, having regard to the importance of the respondent being so aware; and the taking of such steps will constitute service.

(7) Such steps may include—

- (a) service in accordance with Part I of Chapter 16 (service and intimation)^a;
- (b) intimation to a person;
- (c) publication in a newspaper;
- (d) publication using electronic means; or
- (e) affixing relevant documentation prominently in a particular place or on a particular structure, vehicle or vessel.

(8) The applicant must lodge in process such documentary evidence as may be ordered by the court to show that those steps have been carried out.

^a Chapter 16 was last amended by S.S.I. 2008/349