



Energy Act 2023

2023 CHAPTER 52

PART 12

CORE FUEL SECTOR RESILIENCE

CHAPTER 3

ENFORCEMENT

Guidance

285 Guidance: criminal and civil sanctions

- (1) The Secretary of State must issue guidance as to—
 - (a) the sanctions (including criminal sanctions) to which a person who commits an offence under this Part may be liable,
 - (b) the action which the Secretary of State may take to enforce offences under this Part, whether by virtue of [section 284](#) and [Schedule 20](#) or otherwise, and
 - (c) the circumstances in which the Secretary of State is likely to take any such action.
- (2) The Secretary of State—
 - (a) must issue guidance about how the Secretary of State intends to exercise the Secretary of State's functions under [section 284](#) and [Schedule 20](#);
 - (b) must have regard to the guidance in exercising the Secretary of State's functions under those provisions.
- (3) Before issuing guidance under this section, the Secretary of State must—
 - (a) prepare a draft of the proposed guidance;
 - (b) consult such persons as the Secretary of State considers appropriate;
 - (c) comply with the requirements of [section 286](#).

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Cross Heading: Guidance. (See end of Document for details)

- (4) The Secretary of State may from time to time revise guidance issued under this section and issue revised guidance.
- (5) Subsection (3) applies to revised guidance as it applies to the original guidance.
- (6) The Secretary of State must arrange for the publication of guidance (or revised guidance) issued under this section.

Commencement Information

- I1** S. 285 not in force at Royal Assent, see [s. 334\(1\)](#)
- I2** S. 285 in force at 11.1.2024 by [S.I. 2024/32, reg. 2\(c\)\(viii\)](#)

286 Guidance: Parliamentary scrutiny

- (1) Before issuing guidance under [section 285](#), the Secretary of State must lay a draft of the proposed guidance before both Houses of Parliament.
- (2) The Secretary of State must not issue the guidance until after the period of 40 days beginning with—
 - (a) the day on which the draft is laid before both Houses of Parliament, or
 - (b) if the draft is laid before the House of Lords on one day and the House of Commons on another, the later of those two days.
- (3) If before the end of that period either House resolves that the guidance should not be issued, the Secretary of State may not issue it.
- (4) In reckoning any period of 40 days for the purposes of [subsection \(2\)](#), no account is to be taken of any time during which—
 - (a) Parliament is dissolved or prorogued, or
 - (b) both Houses are adjourned for more than four days.

Commencement Information

- I3** S. 286 not in force at Royal Assent, see [s. 334\(1\)](#)
- I4** S. 286 in force at 11.1.2024 by [S.I. 2024/32, reg. 2\(c\)\(viii\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Energy Act 2023, Cross Heading: Guidance.