



# Energy Act 2023

## 2023 CHAPTER 52

### PART 9

#### ENERGY SMART APPLIANCES AND LOAD CONTROL

### CHAPTER 2

#### ENERGY SMART APPLIANCES

#### **241 Enforcement**

- (1) Provision for the enforcement of energy smart regulations may, in particular, include provision of a kind described in [this section](#), [section 242](#) or [section 243](#).
- (2) Energy smart regulations may include provision to ensure compliance with any prohibition or requirement imposed by or under the regulations, including provision—
  - (a) designating authorities to carry out enforcement (referred to in [this Chapter](#) as “enforcement authorities”);
  - (b) requiring persons to—
    - (i) maintain information;
    - (ii) monitor compliance and report non-compliance;
    - (iii) take specified steps to remedy non-compliance;
  - (c) requiring persons to supply evidence of their compliance to enforcement authorities;
  - (d) conferring powers of entry, including by reasonable force;
  - (e) conferring powers of inspection, search and seizure;
  - (f) conferring powers to require the production of information or things held at, or electronically accessible from, entered premises;
  - (g) conferring powers to enable the testing of energy smart appliances by enforcement authorities, including powers to require the provision of sample appliances and powers to make test purchases;

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*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Section 241. (See end of Document for details)*

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- (h) conferring functions, including functions involving the exercise of a discretion.
- (3) Regulations conferring powers described in [subsection \(2\)\(d\)](#), [\(e\)](#) or [\(f\)](#) must provide that persons exercising those powers are to produce evidence of their authority if required to do so.
- (4) The regulations may not allow entry to premises by reasonable force without a warrant issued by a justice of the peace or, in Scotland, a sheriff or summary sheriff.
- (5) Energy smart regulations may allow enforcement authorities to impose requirements by written notice on persons to—
  - (a) produce information or things;
  - (b) make appliances compliant with energy smart regulations;
  - (c) stop or limit—
    - (i) the placing on the market of, or other activities in connection with, appliances,
    - (ii) the providing of load control to appliances, or
    - (iii) the modification of appliances,
 for the purpose of preventing or mitigating non-compliance with energy smart regulations;
  - (d) recall appliances to prevent, or in response to, non-compliance with energy smart regulations.
- (6) Regulations that allow an enforcement authority to impose requirements may also provide for—
  - (a) the authority to apply to a court or tribunal in connection with a failure to comply with a requirement, and
  - (b) the court or tribunal, if satisfied that such a failure has occurred, to make an order for the purpose of securing compliance with the requirement.
- (7) Such an order may require a person to take, or refrain from taking, steps specified in the order (including at, by or until specified times).
- (8) Energy smart regulations may make provision to enable an enforcement authority to accept an enforcement undertaking from a person where the authority has reasonable grounds to suspect that the person has failed to comply with any prohibition or requirement imposed by or under the regulations.
- (9) An “enforcement undertaking” is an undertaking to take such action to secure compliance with the regulations as may be specified in the undertaking within such period as may be so specified.
- (10) Provision made by virtue of [subsection \(8\)](#) must include provision that unless the person from whom the undertaking was accepted has failed to comply with the undertaking or any part of it—
  - (a) that person may not at any time be convicted of an offence in respect of the act or omission to which the undertaking relates, and
  - (b) the enforcement authority may not impose on that person any penalty which it would otherwise have power to impose under the regulations in respect of that act or omission.
- (11) Provision made by virtue of [subsection \(8\)](#) may include any provision of a kind mentioned in section 50(5) of the Regulatory Enforcement and Sanctions Act 2008.

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- (12) The Secretary of State may make payments or provide other resources to, or in respect of, enforcement authorities in connection with the exercise of functions under energy smart regulations.
- (13) Energy smart regulations may provide for an enforcement authority to issue guidance about the enforcement of the regulations and the exercise by the authority of its functions under the regulations.

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**Commencement Information**

**I1** S. 241 not in force at Royal Assent, see [s. 334\(1\)](#)

**I2** S. 241 in force at 11.1.2024 by [S.I. 2024/32, reg. 2\(b\)\(ii\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Energy Act 2023, Section 241.