



# Energy Act 2016

## 2016 CHAPTER 20

### PART 1

#### THE OGA

##### *Exercise of functions*

#### **9 Directions: national security and public interest**

- (1) The Secretary of State may give directions to the OGA as to the exercise by it of any of its functions if the Secretary of State considers that the directions—
  - (a) are necessary in the interests of national security, or
  - (b) are otherwise in the public interest.
- (2) Directions may be given under subsection (1)(b) in relation to the exercise of a regulatory function in a particular case only if the Secretary of State considers that the circumstances are exceptional.
- (3) Directions given under this section may be varied or revoked by further directions given under this section.
- (4) The Secretary of State must lay before Parliament a copy of any directions given under this section.
- (5) The Secretary of State may exclude from any directions laid before Parliament under subsection (4) any material the publication of which the Secretary of State considers would—
  - (a) be contrary to the interests of national security, or
  - (b) otherwise not be in the public interest.
- (6) If the Secretary of State considers that publication of the directions (whether with or without the exclusion of material under subsection (5)) would fall within paragraph (a) or (b) of that subsection, the Secretary of State may, instead of laying the directions, lay before Parliament a memorandum stating—

---

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2016, Section 9. (See end of Document for details)*

---

- (a) that the directions have been given, and
  - (b) the date on which they were given.
- (7) The OGA must notify the Secretary of State of any cases, matters or circumstances which have arisen, or which the OGA considers are likely to arise, in respect of which the OGA considers that the power to give directions under this section should be exercised by the Secretary of State.
- (8) In this section “regulatory function” means—
- (a) a function of granting or revoking a licence or other authorisation in relation to any relevant activity;
  - (b) a function of imposing conditions or requirements in relation to any relevant activity;
  - (c) a function that relates to securing, monitoring or investigating compliance with conditions or requirements in relation to any relevant activity.

---

**Commencement Information**

**II** S. 9 in force at 1.10.2016 by S.I. 2016/920, reg. 2(a)

**Changes to legislation:**

There are currently no known outstanding effects for the Energy Act 2016, Section 9.