



# Energy Act 2023

## 2023 CHAPTER 52

### PART 12

#### CORE FUEL SECTOR RESILIENCE

### CHAPTER 2

#### POWERS FOR RESILIENCE PURPOSES

##### *Directions*

#### **269 Directions to particular core fuel sector participants**

- (1) The Secretary of State may, for the purpose of maintaining or improving core fuel sector resilience, direct a person to whom this section applies to do anything in relation to the person's relevant activities or assets (for example, to acquire and install specific equipment, or carry out specific works, at the person's own expense).
- (2) The Secretary of State may not give a direction under [subsection \(1\)](#) unless the Secretary of State considers that the persons to whom this section applies have failed to make sufficient progress with the steps that the Secretary of State considers necessary for maintaining or improving core fuel sector resilience.
- (3) Where there is disruption to, or a failure of, continuity of supply of core fuels, the Secretary of State may direct a person to whom this section applies to do anything in relation to the person's relevant activities or assets which the Secretary of State considers necessary or expedient for the purpose of—
  - (a) restoring continuity of supply of core fuels, or
  - (b) counteracting the disruption or failure, or its potential adverse impact.
- (4) If the Secretary of State considers that there is a significant risk of disruption to, or a failure of, continuity of supply of core fuels, the Secretary of State may direct a person to whom this section applies to do anything in relation to the person's relevant

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*Status: Point in time view as at 31/01/2024.*

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Section 269. (See end of Document for details)*

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- activities or assets which the Secretary of State considers necessary or expedient for the purpose of—
- (a) reducing the risk, or
  - (b) reducing the potential adverse impact of the disruption or failure.
- (5) The Secretary of State may not make a direction under subsection (1), (3) or (4) unless the Secretary of State considers—
- (a) that, the corresponding cases (if any) are not sufficiently numerous to justify making regulations under [section 272](#), or
  - (b) that, by reason of urgency, it is not practicable to achieve the aims of the direction by regulations under [section 272](#).
- (6) In [subsection \(5\)\(a\)](#) the reference to “corresponding cases” is to persons to whom this section applies in relation to whom the Secretary of State considers it would be appropriate to take action corresponding to the direction.
- (7) This section applies to the following persons—
- (a) a person carrying on core fuel sector activities in the course of a business which has capacity in excess of 500,000 tonnes;
  - (b) a [Part 12](#) facility owner if the owned facility has capacity in excess of 20,000 tonnes.
- (8) For the purposes of this Part—
- (a) a business “has capacity in excess of” a specified number of tonnes if in the most recently ended calendar year core fuel sector activities were carried on in that business in relation to more than that number of tonnes of core fuel;
  - (b) a facility or infrastructure “has capacity in excess of” a specified number of tonnes if in the most recently ended calendar year it was used for the purposes of core fuel sector activities in relation to more than that number of tonnes of core fuels.

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**Commencement Information**

- I1** S. 269 not in force at Royal Assent, see [s. 334\(1\)](#)
- I2** S. 269 in force at 11.1.2024 by [S.I. 2024/32](#), [reg. 2\(c\)\(ii\)](#)

**Status:**

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**Changes to legislation:**

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