



Energy Act 2008

2008 CHAPTER 32

[^{F1}PART 4A

WORKS DETRIMENTAL TO NAVIGATION

[^{F1}Directions by the Secretary of State

Textual Amendments

- F1** Pt. 4A inserted (12.11.2009 for specified purposes, 6.4.2011 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\), ss. 314\(1\), 324\(1\)\(c\), 324\(1\)\(d\); S.I. 2011/556, art. 3\(2\)\(c\)](#)

82E Secretary of State's power of direction

- (1) This section applies if—
 - (a) the person to whom a consent under section 82A is given fails to comply with any provision of the consent, or
 - (b) a person who, by virtue of section 82D(3), is bound by a consent condition fails to comply with the condition.
- (2) The Secretary of State may direct that person (the “defaulter”) to take steps which the Secretary of State considers necessary or appropriate to comply with the provision or condition within a period specified in the direction.
- (3) The Secretary of State must consult the defaulter before giving a direction under subsection (2).
- (4) If the defaulter fails to comply with a direction under subsection (2), the Secretary of State may—
 - (a) comply with the direction on behalf of the defaulter, or
 - (b) make arrangements for another person to do so.

Status: Point in time view as at 12/11/2009.

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2008, Cross Heading: Directions by the Secretary of State. (See end of Document for details)

- (5) A person taking action by virtue of subsection (4) may—
 - (a) do anything which the defaulter could have done, and
 - (b) recover from the defaulter any reasonable costs incurred in taking the action.
- (6) A person (“P”) liable to pay any sum by virtue of subsection (5)(b) must also pay interest on that sum for the period beginning with the day on which the person taking action by virtue of subsection (4) notified P of the sum payable and ending with the date of payment.
- (7) The rate of interest payable in accordance with subsection (6) is a rate determined by the Secretary of State as comparable with commercial rates.
- (8) The defaulter must provide a person taking action by virtue of subsection (4) with such assistance as the Secretary of State may direct.
- (9) The power to give a direction under this section is without prejudice to any provision made—
 - (a) in the consent, with regard to the enforcement of any of its provisions, or
 - (b) in the condition, with regard to the enforcement of the condition.]

Status:

Point in time view as at 12/11/2009.

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