



Energy Act 2023

2023 CHAPTER 52

PART 12

CORE FUEL SECTOR RESILIENCE

CHAPTER 3

ENFORCEMENT

Offences

280 False statements etc

- (1) It is an offence for a person to make a statement which the person knows is false or materially misleading—
 - (a) in responding to a requirement imposed by the Secretary of State—
 - (i) under [section 273](#) (power to require information),
 - (ii) under [section 274\(4\)](#) (duty to report incidents), or
 - (iii) under regulations under [section 276](#) (provision of information at specified intervals), or
 - (b) in making any other statement to the Secretary of State in connection with any of the Secretary of State's functions under this Part.
- (2) A person who commits an offence under this section is liable—
 - (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);
 - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
 - (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);

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- (d) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).

Commencement Information

- I1** S. 280 not in force at Royal Assent, see [s. 334\(1\)](#)
I2 S. 280 in force at 11.1.2024 by [S.I. 2024/32, reg. 2\(c\)\(vi\)](#)

281 Offences under regulations

- (1) This section applies to regulations under—
- (a) [section 272](#) (corresponding powers to make regulations);
 - (b) [section 276](#) (provision of information at specified intervals).
- (2) Regulations to which this section applies may provide for an offence under the regulations to be triable—
- (a) only summarily, or
 - (b) either summarily or on indictment.
- (3) Regulations to which this section applies may provide for an offence under the regulations that is triable either way to be punishable—
- (a) on summary conviction in England and Wales with imprisonment for a term not exceeding the period specified or a fine (or both);
 - (b) on summary conviction in Scotland or Northern Ireland with imprisonment for a term not exceeding the period specified or a fine not exceeding the statutory maximum (or both);
 - (c) on conviction on indictment, with imprisonment for a term not exceeding the period specified, which may not exceed two years, or a fine (or both).
- (4) A period specified under [subsection \(3\)\(a\)](#) may not exceed the general limit in a magistrates' court.
- (5) A period specified under [subsection \(3\)\(b\)](#) may not exceed—
- (a) in relation to Scotland, 12 months;
 - (b) in relation to Northern Ireland, 6 months.
- (6) Regulations to which this section applies may provide for a summary offence under the regulations to be punishable—
- (a) with imprisonment for a term not exceeding the period specified,
 - (b) with—
 - (i) in England and Wales, a fine (or a fine not exceeding an amount specified, which must not exceed level 4 on the standard scale), or
 - (ii) in Scotland or Northern Ireland, a fine not exceeding the amount specified, which must not exceed level 5 on the standard scale, or
 - (c) with both.
- (7) A period specified under [subsection \(6\)\(a\)](#) may not exceed—
- (a) in relation to England and Wales—
 - (i) 6 months, in relation to offences committed before the date on which [section 281\(5\)](#) of the Criminal Justice Act 2003 comes into force, or
 - (ii) 51 weeks, in relation to offences committed on or after that date,

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- (b) in relation to Scotland, 12 months,
- (c) in relation to Northern Ireland, 6 months.

(8) In this section “specified” means specified in the regulations.

Commencement Information

- I3** S. 281 not in force at Royal Assent, see [s. 334\(1\)](#)
- I4** [S. 281](#) in force at 11.1.2024 by [S.I. 2024/32, reg. 2\(c\)\(vi\)](#)

282 Proceedings for offences

Proceedings for an offence under this Part (including an offence created by regulations under [section 272](#) or [276](#))—

- (a) may not be brought in England and Wales except by or with the consent of the Secretary of State or the Director of Public Prosecutions;
- (b) may not be brought in Northern Ireland except by or with the consent of the Secretary of State or the Director of Public Prosecutions for Northern Ireland.

Commencement Information

- I5** S. 282 not in force at Royal Assent, see [s. 334\(1\)](#)
- I6** [S. 282](#) in force at 11.1.2024 by [S.I. 2024/32, reg. 2\(c\)\(vi\)](#)

283 Liability of officers of entities

- (1) Where an offence under this Part committed by a body corporate is proved—
 - (a) to have been committed with the consent or connivance of an officer of the body corporate, or
 - (b) to be attributable to neglect on the part of an officer of the body corporate, that officer (as well as the body corporate) commits the offence and is liable to be proceeded against and dealt with accordingly.
- (2) In subsection (1) “officer”, in relation to a body corporate, means—
 - (a) any director, manager, secretary or other similar officer of the body corporate, or
 - (b) any person purporting to act in any such capacity.
- (3) In subsection (2) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.
- (4) Where an offence under this Part is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of a partner, or to be attributable to any neglect on the part of a partner, that partner (as well as the partnership) commits the offence and is liable to be proceeded against and dealt with accordingly.

Commencement Information

- I7** S. 283 not in force at Royal Assent, see [s. 334\(1\)](#)

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

18 S. 283 in force at 11.1.2024 by S.I. 2024/32, reg. 2(c)(vi)

Status:

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Changes to legislation:

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