



Energy Act 2023

2023 CHAPTER 52

PART 2

CARBON DIOXIDE CAPTURE, STORAGE ETC AND HYDROGEN PRODUCTION, TRANSPORT AND STORAGE

CHAPTER 5

CARBON STORAGE INFORMATION AND SAMPLES

Enforcement of sanctionable requirements

117 Financial penalty notices

- (1) A financial penalty notice is a notice which—
 - (a) specifies the sanctionable requirement in question,
 - (b) gives details of the failure to comply with the requirement, and
 - (c) informs the person or persons to whom the notice is given that the person or persons must—
 - (i) comply with the sanctionable requirement before the end of a period specified in the notice, where it is appropriate to require such compliance and the failure to comply with the requirement has not already been remedied at the time the notice is given, and
 - (ii) pay the OGA a financial penalty of the amount specified in the notice before the end of a period specified in the notice.
- (2) The period specified under [subsection \(1\)\(c\)\(ii\)](#) must not end earlier than the end of the period of 28 days beginning with the day on which the financial penalty notice is given.

Status: Point in time view as at 26/12/2023.

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Section 117. (See end of Document for details)

- (3) The financial penalty payable under a financial penalty notice in respect of a failure to comply with a sanctionable requirement (whether payable by one person, or jointly by two or more persons) must not exceed £1 million.
- (4) If a financial penalty notice is given jointly to two or more persons, those persons are jointly and severally liable to pay the financial penalty under it.
- (5) A financial penalty payable under a financial penalty notice is to be recoverable as a civil debt if it is not paid before the end of the period specified under [subsection \(1\)\(c\)\(ii\)](#).
- (6) The OGA must—
 - (a) issue guidance as to the matters to which it will have regard when determining the amount of the financial penalty to be imposed by a financial penalty notice, and
 - (b) have regard to the guidance when determining the amount of the penalty in any particular case.
- (7) The OGA may from time to time review guidance issued under [subsection \(6\)\(a\)](#) and, if it considers appropriate, revise it.
- (8) Before issuing or revising guidance under this section, the OGA must consult such persons as it considers appropriate.
- (9) The OGA must—
 - (a) lay any guidance issued under this section, and any revision of it, before each House of Parliament;
 - (b) publish any guidance issued under this section, and any revision of it, in such manner as the OGA considers appropriate.
- (10) The Secretary of State may by regulations subject to the affirmative procedure amend [subsection \(3\)](#) to change the amount specified to an amount not exceeding £5 million.
- (11) Money received by the OGA under a financial penalty notice must be paid into the Consolidated Fund.

Commencement Information

II [S. 117](#) in force at 26.12.2023, see [s. 334\(3\)\(b\)](#)

Status:

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