



Energy Act 2023

2023 CHAPTER 52

PART 10

ENERGY PERFORMANCE OF PREMISES

253 Regulations under [Part 10](#)

- (1) Regulations under this Part may amend, repeal or revoke provision made by or under primary legislation.
- (2) Regulations under this Part containing provision within subsection (3) (with or without other provision)—
 - (a) if made by the Secretary of State, are subject to the affirmative procedure (see [section 332](#));
 - (b) if made by the Scottish Ministers, are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 ([asp 10](#)));
 - (c) if made by the Department, may not be made unless a draft of the regulations has been laid before and approved by a resolution of the Northern Ireland Assembly.
- (3) The provision within this subsection is—
 - (a) provision creating a criminal offence or civil penalty (but excluding provision modifying the circumstances in which a person is guilty of an existing offence or liable for an existing civil penalty);
 - (b) provision specifying a civil penalty amount (but excluding provision made by virtue of [section 252\(7\)](#) (inflation-related adjustments));
 - (c) provision amending or repealing provision made by primary legislation.
- (4) Any other regulations under this Part—
 - (a) if made by the Secretary of State, are subject to the negative procedure (see [section 332](#));

Status: This is the original version (as it was originally enacted).

- (b) if made by the Scottish Ministers, are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10));
 - (c) if made by the Department, are subject to negative resolution within the meaning given by section 41(6) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.)).
- (5) Regulations under this Part—
- (a) may make provision about application to the Crown; and
 - (b) may also, to the extent that they bind the Crown, restrict or modify the application of the regulations.
- (6) A power of the Department to make regulations under this Part is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (7) In this section “primary legislation” means—
- (a) an Act of Parliament,
 - (b) an Act of the Scottish Parliament,
 - (c) an Act or Measure of Senedd Cymru, or
 - (d) Northern Ireland legislation.