



# Energy Act 2023

## 2023 CHAPTER 52

### PART 12

#### CORE FUEL SECTOR RESILIENCE

### CHAPTER 2

#### POWERS FOR RESILIENCE PURPOSES

#### *Information*

#### 274 Duty to report incidents

- (1) If at any time a person—
  - (a) knows, or has reason to suspect, that a notifiable incident is occurring or has occurred, and
  - (b) meets the condition in [paragraph \(a\), \(b\) or \(c\) of subsection \(2\)](#), that person must notify the Secretary of State of the incident as soon as possible.
- (2) The conditions mentioned in [subsection \(1\)\(b\)](#) are that—
  - (a) the person is carrying on core fuel sector activities in the course of a business which has capacity in excess of 500,000 tonnes;
  - (b) the person is a [Part 12](#) facility owner in whose case the owned facility has capacity in excess of 500,000 tonnes;
  - (c) the person is of a class or description specified in regulations made by the Secretary of State under this subsection.
- (3) In this section “notifiable incident”, in relation to a person, means an incident which affects the person’s relevant activities or assets in such a way as to create a significant risk of, or cause—
  - (a) disruption to, or
  - (b) a failure of,

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*Status: This is the original version (as it was originally enacted).*

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- the continuity of supply of core fuels.
- (4) The Secretary of State may by notice in writing require a person who has given a notice under [subsection \(1\)](#) to provide further information about the incident.
  - (5) Before giving a person a notice under [subsection \(4\)](#) the Secretary of State must—
    - (a) notify the person in writing of—
      - (i) the proposed contents of the notice, and
      - (ii) the period within which the person may make written representations with respect to the proposal, and
    - (b) consider any representations made by the person.
  - (6) The period notified under [subsection \(5\)\(a\)\(ii\)](#) must begin on the date on which the notification is given and (subject to [subsection \(7\)](#)) must be not less than 14 days.
  - (7) The Secretary of State may notify a period under [subsection \(5\)\(a\)\(ii\)](#) that is less than 14 days but not less than 7 days if the Secretary of State considers that it is necessary to do so by reason of urgency.
  - (8) A notice under [subsection \(4\)](#) may specify—
    - (a) the manner in which information is to be provided, and
    - (b) time limits for providing information.
  - (9) Where a notification under [subsection \(1\)](#) is not made in writing, it must be confirmed in writing as soon as possible.
  - (10) Regulations under [subsection \(2\)\(c\)](#) may specify the meaning that “relevant activities or assets” is to have in [subsection \(3\)](#) in relation to persons of a class or description of persons specified in the regulations.
  - (11) Regulations under [subsection \(2\)\(c\)](#) are subject to the affirmative procedure.