



Energy Act 2023

2023 CHAPTER 52

PART 12

CORE FUEL SECTOR RESILIENCE

CHAPTER 3

ENFORCEMENT

Enforcement undertakings

284 Enforcement undertakings

- (1) Subsection (2) applies if—
 - (a) the Secretary of State has reasonable grounds to suspect that a person has committed an offence falling within [subsection \(5\)](#),
 - (b) the person offers to the Secretary of State an enforcement undertaking in respect of the relevant act or omission, and
 - (c) the Secretary of State accepts that undertaking.
- (2) Unless the person has failed to comply with the undertaking (or any part of it) the person may not at any time be convicted of that offence in respect of the relevant act or omission.
- (3) In this Part “enforcement undertaking” means an undertaking to take, within any period specified in the undertaking, action—
 - (a) for any of the purposes in [subsection \(4\)](#), or
 - (b) of a description specified in regulations made by the Secretary of State.
- (4) The purposes mentioned in [subsection \(3\)](#) are—
 - (a) to secure that the offence does not continue or recur,

Status: This is the original version (as it was originally enacted).

- (b) to secure that the position is, so far as possible, restored to what it would have been if the offence had not been committed, or
 - (c) to benefit any person affected by the offence.
- (5) The following offences fall within this subsection—
- (a) an offence under—
 - (i) [section 271](#) (failure to comply with a direction),
 - (ii) [section 275](#) (contravention of requirement under [section 273](#) or [274](#)),
or
 - (iii) [section 280](#) (false statements etc);
 - (b) an offence, other than an offence triable only summarily, that is created by regulations under—
 - (i) [section 272](#) (corresponding powers to make regulations), or
 - (ii) [section 276](#) (provision of information at regular intervals).
- (6) The reference in [subsection \(4\)\(c\)](#) to action to “benefit any person affected by the offence” includes action by way of the payment of a sum of money.
- (7) Where a person from whom the Secretary of State has accepted an enforcement undertaking has failed to comply fully with the undertaking but has complied with part of it, the partial compliance must be taken into account in any decision whether to institute any criminal proceedings in respect of the offence in question.
- (8) In this section “relevant act or omission” means an act or omission of the person to which the grounds mentioned in [subsection \(1\)\(a\)](#) relate.
- (9) Regulations under [subsection \(3\)\(b\)](#) are subject to the affirmative procedure.
- (10) [Schedule 20](#) contains further provision about enforcement undertakings, including provision about—
- (a) procedure;
 - (b) compliance certificates;
 - (c) appeals.