



# Energy Act 2023

## 2023 CHAPTER 52

### PART 12

#### CORE FUEL SECTOR RESILIENCE

### CHAPTER 3

#### ENFORCEMENT

#### *Guidance*

#### **285 Guidance: criminal and civil sanctions**

- (1) The Secretary of State must issue guidance as to—
  - (a) the sanctions (including criminal sanctions) to which a person who commits an offence under this Part may be liable,
  - (b) the action which the Secretary of State may take to enforce offences under this Part, whether by virtue of [section 284](#) and [Schedule 20](#) or otherwise, and
  - (c) the circumstances in which the Secretary of State is likely to take any such action.
- (2) The Secretary of State—
  - (a) must issue guidance about how the Secretary of State intends to exercise the Secretary of State's functions under [section 284](#) and [Schedule 20](#);
  - (b) must have regard to the guidance in exercising the Secretary of State's functions under those provisions.
- (3) Before issuing guidance under this section, the Secretary of State must—
  - (a) prepare a draft of the proposed guidance;
  - (b) consult such persons as the Secretary of State considers appropriate;
  - (c) comply with the requirements of [section 286](#).

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**Changes to legislation:** There are currently no known outstanding effects for the Energy Act 2023, Section 285. (See end of Document for details)

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- (4) The Secretary of State may from time to time revise guidance issued under this section and issue revised guidance.
- (5) Subsection (3) applies to revised guidance as it applies to the original guidance.
- (6) The Secretary of State must arrange for the publication of guidance (or revised guidance) issued under this section.

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**Commencement Information**

- I1** S. 285 not in force at Royal Assent, see [s. 334\(1\)](#)
- I2** [S. 285](#) in force at 11.1.2024 by [S.I. 2024/32](#), [reg. 2\(c\)\(viii\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Energy Act 2023, Section 285.