



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

General

125 Appeals

In [Schedule 8](#)—

- (a) Part 1 contains provision about appeals against decisions by the OGA relating to the preparation of an information and samples plan and appeals against the giving of a notice under [section 112](#), and
- (b) Part 2 contains provision about appeals against the imposition of sanction notices and appeals against the giving of a notice under [section 124](#).

Commencement Information

II [S. 125](#) in force at 26.12.2023, see [s. 334\(3\)\(b\)](#)

126 Procedure for enforcement decisions

(1) The OGA—

- (a) must determine the procedure that it proposes to follow in relation to enforcement decisions, and
- (b) must issue a statement of its proposals.

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

- (2) The procedure mentioned in [subsection \(1\)\(a\)](#) must be designed to secure, among other things, that an enforcement decision is taken—
 - (a) by a person falling within [subsection \(3\)](#), or
 - (b) by two or more persons, each of whom falls within [subsection \(3\)](#).
- (3) A person falls within this subsection if the person was not directly involved in establishing the evidence on which the enforcement decision is based.
- (4) The statement mentioned in [subsection \(1\)\(b\)](#) must be published in whatever way appears to the OGA to be best calculated to bring the statement to the attention of the public.
- (5) When the OGA takes an enforcement decision, the OGA must follow its stated procedure.
- (6) If the OGA changes its procedure in a material way, it must publish a revised statement.
- (7) A failure of the OGA in a particular case to follow its procedure as set out in the latest published statement does not affect the validity of an enforcement decision taken in that case.
- (8) But [subsection \(7\)](#) does not prevent the Tribunal from taking into account any such failure in considering an appeal under paragraph 4 or 5 of [Schedule 8](#) in relation to a sanction notice.
- (9) In this section, “enforcement decision” means—
 - (a) a decision to give a sanction notice in respect of a failure to comply with a sanctionable requirement, or
 - (b) a decision as to the details of the sanction to be imposed by the notice.

Commencement Information

12 [S. 126](#) in force at 26.12.2023, see [s. 334\(3\)\(b\)](#)

127 Interpretation of [Chapter 5](#)

In this Chapter—

- “information and samples plan” has the meaning given in [section 109](#);
- “items subject to legal privilege”—
 - (a) in England and Wales, has the same meaning as in the Police and Criminal Evidence Act 1984 (see section 10 of that Act);
 - (b) in Scotland, has the meaning given by section 412 of the Proceeds of Crime Act 2002;
 - (c) in Northern Ireland, has the same meaning as in the Police and Criminal Evidence (Northern Ireland) Order 1989 ([S.I. 1989/1341 \(NI 12\)](#));
- “OGA” means the Oil and Gas Authority;
- “protected material” has the meaning given in [section 113](#);
- “sanction notice” has the meaning given in [section 115](#);
- “storage permit” has the same meaning as in the Storage of Carbon Dioxide (Licensing etc) Regulations 2010 ([S.I. 2010/2221](#)) (see regulation 1(3) of those Regulations);

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“subsequent holder” has the meaning given in [section 113](#);
“Tribunal” means the First-tier Tribunal.

Commencement Information

I3 [S. 127](#) in force at 26.12.2023, see [s. 334\(3\)\(b\)](#)

Changes to legislation:

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