



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

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.
- (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.

Changes to legislation: There are currently no known outstanding effects
for the Energy Act 2023, Section 126. (See end of Document for details)

- (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

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

Changes to legislation:

There are currently no known outstanding effects for the Energy Act 2023, Section 126.