



Electricity Act 1989

1989 CHAPTER 29

PART I

ELECTRICITY SUPPLY

[^{F1}Enforcement of obligations of regulated persons]

[^{F2}27E Appeals [^{F1} against penalties].

- (1) If the [^{F3}regulated person] on whom a penalty is imposed is aggrieved by—
 - (a) the imposition of the penalty;
 - (b) the amount of the penalty; or
 - (c) the date by which the penalty is required to be paid, or the different dates by which different portions of the penalty are required to be paid,the [^{F3}regulated person] may make an application to the court under this section.
- (2) An application under subsection (1) must be made—
 - (a) within 42 days from the date of service on the [^{F3}regulated person] of a notice under section 27A(5), or
 - (b) where the application relates to a decision of the Authority on an application by the [^{F3}regulated person] under section 27A(6), within 42 days from the date the [^{F3}regulated person] is notified of the decision.
- (3) On any such application, where the court considers it appropriate to do so in all the circumstances of the case and is satisfied of one or more of the grounds falling within subsection (4), the court—
 - (a) may quash the penalty;
 - (b) may substitute a penalty of such lesser amount as the court considers appropriate in all the circumstances of the case; or
 - (c) in the case of an application under subsection (1)(c), may substitute for the date or dates imposed by the Authority an alternative date or dates.
- (4) The grounds falling within this subsection are—

Changes to legislation: Electricity Act 1989, Section 27E is up to date with all changes known to be in force on or before 26 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) that the imposition of the penalty was not within the power of the Authority under section 27A;
 - (b) that any of the requirements of subsections (3) to (5) or (7) of section 27A have not been complied with in relation to the imposition of the penalty and the interests of the [^{F3}regulated person] have been substantially prejudiced by the non-compliance; or
 - (c) that it was unreasonable of the Authority to require the penalty imposed, or any portion of it, to be paid by the date or dates by which it was required to be paid.
- (5) If an application is made under this section in relation to a penalty, the penalty is not required to be paid until the application has been determined.
- (6) Where the court substitutes a penalty of a lesser amount it may require the payment of interest on the substituted penalty at such rate, and from such date, as it considers just and equitable.
- (7) Where the court specifies as a date by which the penalty, or a portion of the penalty, is to be paid a date before the determination of the application under this section it may require the payment of interest on the penalty, or portion, from that date at such rate as it considers just and equitable.
- (8) Except as provided by this section, the validity of a penalty shall not be questioned by any legal proceedings whatever.
- (9) In this section “the court” means—
- (a) in relation to England and Wales, the High Court; and
 - (b) in relation to Scotland, the Court of Session.
- ^{F4} [This section does not apply in the case of a penalty that relates to a relevant condition (10) imposed by the exercise of the power in section 18(1) of the Energy Act 2010 (prevention of exploitation of electricity trading and transmission arrangements).
- (11) For provision about appeals relating to such penalties, see section 21 of the Energy Act 2010.]]

Textual Amendments

- F1** Words in s. 27E heading inserted (18.2.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(2)(h), **Sch. 14 para. 2(4)**
- F2** Ss. 27A-27F inserted (20.12.2000 for specified purposes and otherwise 1.10.2001) by [2000 c. 27, s. 59\(1\)](#); [S.I. 2000/3343, art. 2, Sch.](#) (subject to transitional provisions in [arts. 3-15](#)) (as amended by [S.I. 2001/1780, art. 2](#)); [S.I. 2001/3266, art. 2, Sch.](#) (subject to transitional provisions in [arts. 3-20](#))
- F3** Words in s. 27E substituted (10.11.2011) by [The Electricity and Gas \(Internal Markets\) Regulations 2011 \(S.I. 2011/2704\)](#), regs. 1(1), **39(3)(f)**
- F4** S. 27E(10)(11) inserted (16.7.2012) by [Energy Act 2010 \(c. 27\)](#), s. 38(2)(b), **Sch. para. 8**; [S.I. 2012/1841, art. 2\(b\)](#)

Modifications etc. (not altering text)

- C1** Ss. 25-28 applied (1.4.2005) by [The Renewables Obligation \(Scotland\) Order 2005 \(S.S.I. 2005/185\)](#), arts. 1(1), **18(22)**
- C2** Ss. 25-28 applied (1.4.2006) by [The Renewables Obligation \(Scotland\) Order 2006 \(S.S.I. 2006/173\)](#), arts. 1(1), **24(8)**

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- C3** Ss. 25-28 applied (with modifications) (S.) (1.4.2007) by [The Renewables Obligation \(Scotland\) Order 2007 \(S.S.I. 2007/267\)](#), arts. 1(1), **31**
- C4** Ss. 25-28 applied (1.12.2015) by [The Renewables Obligation Order 2015 \(S.I. 2015/1947\)](#), arts. 1(2), **74(6)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1)(f) and word inserted by [2023 c. 52 s. 186\(3\)\(b\)](#)
- s. 4(1)(ca) inserted by [2023 c. 52 s. 166\(2\)](#)
- s. 4(1)(da) inserted by [2023 c. 52 s. 205\(2\)\(b\)](#)
- s. 4(3H)(3I) inserted by [2023 c. 52 s. 186\(4\)](#)
- s. 4(3CA) inserted by [2023 c. 52 s. 205\(3\)](#)
- s. 4(3EA) inserted by [2023 c. 52 s. 205\(5\)](#)
- s. 6(1)(g) and word inserted by [2023 c. 52 s. 186\(7\)\(b\)](#)
- s. 6(1)(ea) inserted by [2023 c. 52 s. 205\(8\)\(b\)](#)
- s. 6(2C) inserted by [2023 c. 52 s. 186\(8\)](#)
- s. 6(2AA) inserted by [2023 c. 52 s. 205\(9\)](#)
- s. 6(6E) inserted by [2023 c. 52 s. 205\(10\)](#)
- s. 7(3GA) inserted by [2023 c. 52 s. 186\(17\)](#)
- s. 7A(11B) inserted by [2023 c. 52 s. 186\(18\)](#)
- s. 8A(1C) inserted by [2023 c. 52 s. 206\(6\)](#)
- s. 10NA inserted by [2023 c. 52 s. 207\(2\)](#)
- s. 11E(2)(d) and word inserted by [2013 c. 32 s. 138\(5\)\(b\)\(iii\)](#)
- s. 15(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 3(2)(b) (as substituted) by [S.I. 2019/1245 reg. 19](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 25(8A) inserted by [2023 c. 52 Sch. 14 para. 7\(3\)](#)
- s. 44A inserted by [1992 c. 43 s. 23](#)
- s. 44A(6)(b)(i) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 44B(1)(a)(iiia) inserted by [2023 c. 52 Sch. 17 para. 8](#)
- s. 56C(6)(d) and word inserted by [2013 c. 32 s. 138\(5\)\(d\)\(ii\)](#)
- Sch. 6A para. 9ZA and cross-heading inserted by [2023 c. 52 Sch. 14 para. 8](#)