



Department for
Energy Security
& Net Zero

Duty to Report Incidents under Part 12 of the Energy Act 2023

Guidance



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Chapter 1 Introduction

1. This guidance aims to help those carrying out core fuel sector activities and owners of facilities used for the purposes of core fuel sector activities, to better understand their duty to report notifiable incidents to the Secretary of State, under section 274 in Part 12 of the Energy Act 2023.
2. Section 274 of the Energy Act 2023 creates a duty on these core fuel sector participants to report a notifiable incident, i.e. an incident which affects their relevant activities or assets in such a way as to create a significant risk of or cause, disruption to or failure of the continuity of core fuel supply. The meaning of continuity of core fuel supply is explained in paragraph [28] of this guidance.
3. Having a reporting regime is necessary to ensure that Government has an accurate view of the core fuel supply system, and this duty applies regardless of other reporting functions. In practice such reports will be made to officials in the Department for Energy Security and Net Zero ('the Department') acting on behalf of the Secretary of State.
4. This guidance provides information on the following to help relevant stakeholders understand reporting requirements:
 - Who must report an incident?
 - What types of incidents should be reported?
 - How to report an incident?
 - What happens if an incident is not reported?
5. Participants should ensure they have obtained any legal or professional advice necessary to ensure compliance with their duties under Part 12 of the Energy Act 2023.
6. This guidance:
 - does not create any rights enforceable at law in any legal proceedings;
 - is not a substitute for legal advice;
 - is not a set of binding instructions, although it includes references to provisions in the Energy Act 2023.

All examples in this guidance are illustrative only and core fuel sector participants should conduct their own assessment and take legal advice on their duties. The Secretary of State is not bound to follow this guidance and may depart from it in appropriate circumstances.
7. Part 12 of the Energy Act 2023 extends to England and Wales, Scotland and Northern Ireland. This guidance covers the United Kingdom.
8. This guidance may be updated when necessary.

Chapter 2 Who has the duty to report a notifiable incident?

9. Section 274(2) of the Energy Act 2023 sets out the thresholds that define the core fuel sector participants who have a statutory duty to report a notifiable incident, if they know or have reason to suspect it is occurring or has occurred. The duty applies to:
- persons carrying on core fuel sector activities in the course of a business which has a capacity (throughput) in excess of 500,000 tonnes in the most recently ended calendar year¹;
 - a Part 12 facility owner in whose case the owned facility has capacity in excess of 500,000 tonnes in the most recently ended calendar year.² A Part 12 facility owner is defined in section 268(11) as the owner of a pipeline, terminal, or other facility or infrastructure which is used, or any part of which is used, for the purposes of core fuel sector activities.
10. Any person carrying on core fuel sector activities is covered if the threshold is met; they do not need to be the owner of the oil or renewable transport fuel.
11. The duty applies to the person meeting the conditions of section 274(2), as set out in paragraph [9] above. If an incorporated joint venture company meets these conditions, then it is the joint venture company rather than its shareholders that are subject to the duty (unless a shareholder also meets the conditions in respect of its activities and business or its facility).
12. If a person has contracted a third party to carry out core fuel sector activities, the person subject to the duty to report will depend on the arrangement made.
13. In future, if required, the Secretary of State may make regulations to specify other classes or descriptions of persons as being subject to this duty.
14. Core fuel sector activities are defined in section 268(2) of the Energy Act 2023. These are activities of the following kinds:
- storing oil or renewable transport fuel
 - handling oil or renewable transport fuel
 - the carriage of oil or renewable transport fuel by sea or inland water
 - transporting oil or renewable transport fuel by road or rail
 - conveying oil or renewable transport fuel by pipes

¹ This means that core fuel sector activities were carried on in that business in relation to more than that amount of core fuel, in that most recently ended calendar year.

² This means that the facility or infrastructure was used for purposes of core fuel sector activities in relation to more than that amount of core fuel, in that most recently ended calendar year.

- processing or producing oil or renewable transport fuel (whether by refining, blending or otherwise),

where the activity is carried on in the United Kingdom in the course of a business and contributes to the supply of core fuels to either consumers or persons carrying on business, in the United Kingdom.

15. For the purposes of the core fuel sector resilience measures, “oil” means crude oil, crude oil-based fuels, or components – and each of these terms is defined in section 289. The references to oil in the list of activities above, do not include ‘upstream’ operations, which we define as crude oil which has not yet entered a refinery or terminal in the United Kingdom. “Core fuels” are crude oil-based fuels and renewable transport fuels – the latter is defined in section 132 of the Energy Act 2004.
16. This duty applies in relation to operations of a certain scale where a serious incident could give rise to a significant threat to national or regional supply of core fuels or a loss or reduction in reliability of that supply and so a significant risk of, or actual, disruption to or failure of continuity of supply. This duty does not create reporting obligations for those that do not meet the threshold requirements set out in section 274(2) and summarised above.
17. It is the responsibility of persons defined above to ensure compliance with the duty to report incidents under section 274.
18. Examples of who the duty may apply to include, owners and operators of oil refineries, major terminals that store oil, hauliers and importers.

Subcontractors

19. Subcontractors are subject to the reporting obligations if they carry out core fuel sector activities and meet the specified threshold to which the powers in the Energy Act 2023 apply.
20. Wholesalers are strongly advised to seek legal advice on their reporting obligations under the Energy Act 2023 having regard to any contractual arrangements with relevant subcontractors.

Fuel transported by rail

21. If an incident occurs that prevents or disrupts the transportation of core fuels via rail, the owner of the fuel, regardless of whether they are in direct control of the fuel at that time, still has an obligation to report any incident that could significantly threaten the national or regional supply, or the reliability of supply of core fuels.

Pipelines

22. Pipeline operators should notify the receiver of the fuel (e.g., terminal operator) when a pipeline-related incident occurs. The receiver has an obligation to report any impact on resilience or security of supply. For the avoidance of doubt where an incident impacts the pipeline's infrastructure, the pipeline operator will have a requirement to report the incident directly to the Department.
23. Some examples of those who are subject to the duty to report incidents under section 274 follow.

Example 1

24. An importer and wholesaler of crude oil products which imported 950,000 tonnes of petrol and diesel into a range of different import terminals across the UK in the most recently ended calendar year.
25. This core fuel participant would be subject to the duty to report incidents based on their undertaking of core fuel sector activities (including transportation and handling) in the UK in the course of a business with a capacity of over 500,000 tonnes, in the most recently ended calendar year.

Example 2

26. A tanker haulage company which transported and delivered a combined 4 million tonnes of crude oil products and renewable transport fuels in the UK over the course of the most recently ended calendar year. They do not own the fuels at any point.
27. This entity would be subject to the duty as they are undertaking a core fuel sector activity (transportation) in the UK in the course of a business with a capacity of over 500,000 tonnes, in the most recently ended calendar year.

Example 3

28. The owner of a large terminal, which processed 700,000 tonnes of petrol and diesel through its storage facility in the most recently ended calendar year.
29. This would be in scope of the duty as a Part 12 facility owner whose facility was used for the purposes of core fuel sector activities (including the storage and processing of the petrol and diesel) in relation to more than 500,000 tonnes and so a capacity in excess of 500,000 tonnes.

Chapter 3 What is a notifiable incident?

30. Section 274(1) specifies that the Secretary of State must be notified as soon as possible when a person in scope of the duty knows or has reason to suspect that a notifiable incident is occurring or has occurred.
31. In defining what constitutes a notifiable incident, the Energy Act 2023 provides that this is an incident which:
- affects a person's relevant activities or assets – that is, the person's core fuel sector activities, including any land or assets under the person's control that are relevant to the activities; or the owned facility which is used wholly or partly for core fuel sector activities, if the person is a Part 12 facility owner;
 - and does so in such a way as to create a significant risk of, or cause, disruption to or failure of the continuity of supply of core fuels.
32. The Energy Act 2023 considers there to be continuity of supply in place where the supply of core fuels is both reliable and continuous, and maintained at normal levels (section 268(7)). This is for supply to both consumers and persons carrying on business, in all areas of the United Kingdom. Normal levels are levels that are:
- not substantially below average monthly levels of supply in the United Kingdom, taking account of regional variations – these average monthly levels are to be calculated by reference to supply levels in the previous five years, so estimates should be made accordingly to establish whether a notifiable incident is occurring or has occurred; and
 - consistent with a reasonable balance between supply and demand.
33. The definition ensures that only serious and material incidents are reported, whilst reducing the chance of trivial reporting.

Indicative non-statutory categories for reporting process

34. The Government, with the support of industry members, has designed a reporting system which distinguishes between the most serious incidents and more long-term threats to continuity of supply. This will be categorised in a three-tier system. All incidents in the system are required to be reported as soon as possible under the legal duty, and the tiers provide additional indications of how Government would expect them to be treated:
- **Tier 1 incidents:** This is the highest level of severity and will cause an actual disruption to or failure of continuity of supply. In the worst cases, these incidents may be accompanied by injuries, loss of life or serious environmental damage. These should be reported as soon as possible, as outlined in chapter 4.
 - **Tier 2 incidents:** These include events or planned activities which create a significant risk of near-term disruption to or failure of continuity of supply of core fuels. These

incidents must be reported as soon as possible, albeit a slightly longer period would be considered acceptable than for tier 1 incidents.

- **Tier 3 incidents:** These are longer term risks which do not create a significant risk of near-term disruption to or failure of continuity of supply of core fuels, but do create a significant risk of disruption to or failure of continuity of supply of core fuels further out in time. These incidents must be reported as soon as possible, but again a slightly longer period would be considered acceptable than for tier 1 or 2 incidents.
35. An incident is **reportable if it either** causes, or creates a significant risk of, disruption to or failure of the continuity of supply of core fuels. The tiers aim to give indications of incidents within this overall test. Where there are **mitigations in place which remove or sufficiently mitigate the risk of disruption or failure of the continuity of supply, so that this is not caused or there is not a significant risk of this**, then there will be no duty to report the incident.
36. The Department strongly encourages core fuel participants to implement robust mitigation measures and to assess the potential impact of incidents with these measures in place. Reporting remains a critical obligation for any incidents that pose a significant risk to the continuity of core fuel supply, including risks of major disruptions. Participants are advised to carefully evaluate their specific circumstances, the effectiveness of their mitigation strategies, and the potential impact of incidents on supply continuity when determining their reporting obligations under the Energy Act 2023.
37. The below table sets out indications for the different tiers of incidents in more detail.
38. As part of the indicative categories for the reporting process the Government makes reference to 'loss of supply' and 'loss of maximum supply capacity'.
- 'Loss of Supply' refers to a situation in which the company cannot meet its normal supply volumes. This is likely to be evidenced by a physical reduction in throughput of (say) a pipeline or a road terminal putting their customers on allocation.
 - 'Maximum supply capacity' is a metric to capture incidents that may lead to a loss of capability and so affects the reliability and continuousness of supply across the UK – such that a company does not have its usual ability to increase supply to the normal extent to compensate if it or another operator suffers a loss of supply. Maximum supply capacity pertains to the highest level of supply that a core fuel sector participant can sustainably achieve under normal conditions. This is the upper limit of what can be produced, transported or supplied without compromising quality and efficiency of the product.
39. In paragraph [33], 'supply' pertains to the supply capacity that the participant directly manages, not the wider supply chain.

Incident Reporting Matrix

		Timing			
		Immediate impact	Significant risk of impact within 24 – 48 hours.	Significant risk of impact within 48 hours - 2 weeks.	Significant risk of impact within 2 weeks - 12 weeks.
Impact	<p>More than 40% loss of supply for at least one product grade lasting longer than a 24-hour period, or</p> <p>A major incident likely to attract national news (and which might therefore lead to public concern and disruptive changes in purchasing behaviour).</p>	Tier 1	Tier 1	Tier 2	Tier 3
	<p>More than 20% loss of supply for at least one product grade that will last for a minimum of 5 days, or</p> <p>More than 40% loss of maximum supply capacity that will last for a minimum of 1 week.</p>	Tier 1	Tier 2	Tier 3	Tier 3
	<p>More than 10% loss of supply for at least one product grade lasting for a minimum of 1 week, or</p> <p>More than 20% loss of maximum supply capacity that will last for a minimum of 2 weeks.</p>	Tier 2	Tier 3	Tier 3	Tier 3

40. The following examples indicate whether entities meet the relevant thresholds under section 274 and are subject to the duty to report incidents, and if so, which tier the incident might come under.
41. If you are in doubt as to whether an incident should be treated as either Tier 1 or Tier 2, we would encourage you to report the incident as if it were under Tier 1 and we will be able to advise you over the phone.
42. Once an incident is reported, the downstream oil team will review the industry's assessment of the incident as well as assessing any impact on the continuity of supply of core fuels and consider contingency measures, if necessary.
43. If an incident has already been reported as Tier 3 or Tier 2 and subsequently meets the threshold(s) for a higher Tier, the Department must be updated but can be notified through the already established lines of communication. In this case, the Department will not need to be re-notified by re-starting the process set out in this guidance.

Example 1

44. A small fire breaks out at a refinery. It is clear that the fire will be readily contained, and the site operators work to put the fire out and safeguard the surrounding site including closing the refinery road rack. After 3 hours, the fire is put out safely and operations resume. The site manager estimates that the incident will result in a 20% shortfall of the supply of fuel they would typically supply in a normal day. They estimate that normal supply will commence the next day, making up the shortfall and therefore having no effect on regional supply levels.
45. In this case no action is required as the incident is minor in scale and does not pose a significant risk to the continuity of supply of core fuels, so it is not a notifiable incident under the legislation. It is voluntary to inform the department about the incident.

Example 2

46. An oil company own an oil refinery Alpha, a major terminal that stores oil Beta (with a capacity of 600,000 tonnes per year), and a pipeline between the two. The pipeline develops a fault and as a result the flow of fuel through the pipe is suspended. The engineers estimate that it could take as long as a week to fully repair the fault.
47. The company mitigates this by diverting fuel destined for the pipeline, to Alpha refinery's own road tanker filling station, so that roughly 80% of the typical volume they supply to terminal Beta would be available at the road rack.
48. Terminal Beta however is faced with a total loss of supply and choose to manage this by immediately putting their customers on a 50% allocation to spread the stocks out over the week.
49. There is a notifiable incident. From the perspective of refinery Alpha this is a Tier 2 incident, although the refinery operators can mitigate their own supply, the incident has the

potential to cause a material disruption to or failure of continuity of supply in the short term, but the incident will take more than 24 hours to resolve. It would be a Tier 1 incident for Terminal Beta because the incident has resulted in an actual material loss in the supply of core fuels from Terminal Beta in excess of the 40% threshold, which will disrupt or cause failure to the continuity of supply. As refinery Alpha and terminal Beta are separate sites carrying out different activities, they report separately – also, the additional distance that road tankers will have to travel is likely to affect the overall distribution for fuels.

Example 3

50. A tanker haulage company with operations across the UK receives an informal notice that if no agreement is reached at the next round of pay negotiations, 50 employees will be balloted for industrial strike action. If the ballot were to be in favour of strike action, some of the drivers will be legally entitled to picket a major terminal that stores oil.
51. This would be notifiable. We would anticipate that this is likely to be a Tier 3 incident. This is because the incident is a longer-term threat that does not cause immediate loss to supply of core fuels, but creates a significant risk of disruption to or failure of the continuity of supply and has the potential to develop into a Tier 1 or 2 incident if the dispute progresses to industrial action.

Example 4

52. The owner of a refinery has a maintenance activity of a crude feed pump to the CDU (Crude Distillation Unit). While the pump is out of service the refinery throughput is reduced by 40%. Maintenance activities will last for 7 days, and the refinery will run with 2 instead of 3 feed pumps to the CDU until the pump is fixed. Although overall production will be reduced by 40%, the refinery has stocks available to supplement the reduced throughput of 60%. The refinery will therefore be able to supply 100% of the products to contracted suppliers and all of the likely additional volumes required by the market.
53. The operator does not need to notify the Department in this case as they are able to mitigate the loss in production using their stocks whilst also meeting the additional volumes required by the market. Therefore, there is not a notifiable incident.
54. Due to the type of maintenance required, a scenario could arise where projected timelines surpass the initial assessment of 7 days, and in a scenario where the refinery's stocks are projected to run out on the seventh day, this would then become a Tier 1 incident if the impact is immediate or takes place within 24 - 48 hours. If the impact will be felt within 48 hours – 2 weeks this would instead become a Tier 2 incident. Core fuel sector participants should monitor incidents on a regular basis as changes in incidents could result in the reclassification of an incidents Tier.

Chapter 4 Procedure for reporting incidents

55. There is a procedure that should be followed when reporting an incident. Each of the three classifications of notifiable incidents must be reported as soon as possible, but whilst the reporting must always be done at the earliest point possible, the backstop that Government would expect differs by classification.
56. The Government recognises that in many instances the first priority for core fuel sector participant will be to respond to the incident. However, it is essential that the department is made aware urgently, particularly for Tier 1 incidents in order to put contingencies in place to mitigate the impact of an actual disruption to supply.

Classification of incident	Reporting timeframes
Tier 1	Tier 1 incidents should be reported to the Department as soon as possible by phone call to a member of the Department’s Downstream Oil Resilience team (or the emergency out of hours number 0300 068 6900) and in any case within 12 hours from when the incident was first known or suspected to have occurred or be occurring. The incident must then be confirmed in writing as soon as possible and within 12 hours from when the incident was reported to the Department. It is recommended that the pro-forma template should be used to confirm details of an incident to the Department at downstreamoilteam@energysecurity.gov.uk , and to provide any further information.
Tier 2	Tier 2 incidents should be reported to the Department as soon as possible by phone call to a member of the Department’s Downstream Oil Resilience team (or the emergency out of hours number 0300 068 6900) and in any case within 48 hours from when the incident was first known or suspected. The incident must also be confirmed using the pro-forma template to downstreamoilteam@energysecurity.gov.uk .
Tier 3	Tier 3 incidents should be reported to the Department as soon as possible and in any case within 72 hours from when the incident was first known or suspected, using the pro-forma template to downstreamoilteam@energysecurity.gov.uk .
No Classification	If an incident does not meet the statutory threshold for reporting (see paragraphs [27-29] of this guidance), this does not need to be reported. The tiers have been designed to provide further information on examples of how incidents should be reported. However, these are indicative only – if a notifiable incident is known or suspected, it must be reported.

	It is good industry practice to report to the Department via the pro-forma template any incidents that could be relevant in maintaining resilience and continuity of supply. Participants in Northern Ireland that do not meet the conditions for reporting are encouraged to report incidents as good practice via energy.infrastructure@economy-ni.gov.uk .
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57. If it is impossible to report a Tier 1 incident immediately - for reasons such as power loss and no mobile devices being available, or the immediate impact of the incident being so severe it must be dealt with first – the incident must be reported as soon as possible which in such cases could be when lines of communication are re-established and/or it is safe to do so.
58. If an incident is not initially reported in writing, it must be confirmed in writing as soon as possible, and the approaches set out above should be followed.

Examples

Example 1

59. A wholesale trader is expecting a large cargo of kerosene in 2 days' time. This shipment is required to meet the majority of their demand from households and businesses across Southern England and Wales. The operator receives a notification that the vessel has broken down inside UK waters. They estimate it could result in a 90% loss in their kerosene supply if the ship is not repaired within 48 hours. A representative at the company submits the required form via email to the Department for Energy Security and Net Zero detailing the problem.
60. In this case, the relevant person took the correct action. They classified the problem as a Tier 1 incident, not causing an immediate loss of fuel supply but identifying that there is a significant risk of disruption to or failure of continuity of supply. This meant the incident should be reported by phone and **within 12 hours** from when the incident was first known or suspected to have occurred or be occurring. The incident must then be confirmed in writing as soon as possible and **within 12 hours** from when the incident was reported to the Department.

Example 2

61. A large terminal that stores oil experiences a sudden loss of containment on a primary storage tank at approximately 4pm. After 7 hours, considerable safety and environmental risks remain so that operations cannot restart. The terminal operator does not know when the situation will be resolved so decides to wait until the morning to assess. At 10am, partial operations can restart. Supply of petrol can continue as usual but there is an 80% reduction of their diesel supply expected for the next few days. The terminal owner

decides to email the Department for Energy Security and Net Zero to notify them about this issue.

62. In this case, the relevant person took the wrong action. This is a Tier 1 incident, because the incident has resulted in an immediate material loss of fuel and has caused an actual disruption to diesel supply, resulting in a reduction of more than 40% of typical daily supply, and an actual disruption to the continuity of supply. Tier 1 incidents should be reported to the Department as soon as possible and within 12 hours via a phone call and confirmed in writing as soon as possible and within 12 hours of being reported to Government.

Example 3

63. A major road haulier is in negotiations with union representatives on behalf of 100 drivers over pay. The union notifies the employer of their intent to ballot their members for strike action. The ballot returns a 95% positive mandate for strike action. Once they have been informed of the result of the ballot, the employer notifies the Department of the outcome by telephone.
64. In this case, the relevant person did not have to notify the Department by telephone. While this is a Tier 3 incident, the decision to ballot for strike action created a significant risk of disruption to continuity of supply. This should also be reported to the Department in writing using the pro-forma template as soon as possible and within 72 hours of the union's formal notification.

Example 4

65. The owner of a refinery has planned a turnaround which will prevent the refinery from being able to produce ultra-low sulphur diesel for 4 weeks. It usually supplies some 4 million litres/day of diesel but has stock which would allow it to supply 6 million litres/day if there was increased demand. The refinery supplies, on average, 400,000 litres/day of additional supply. The refinery has plans to use fuel from tank and imports to maintain contracted supplies. The operator will however not be able to supply additional volumes during that period. The operator therefore notifies the Department before the turnaround is due to begin.
66. This is the right action, although the refinery will be able to supply its usual 4 million litres/day of diesel, it will not be able to accommodate any extra demand of diesel for the 4-week turnaround period. This is a Tier 3 incident because the refinery will not be able to provide the additional supply. As a result, there is a risk that supply will drop below normal levels, creating a significant risk of disruption to the continuity of supply and reducing the resilience of the fuel supply.

Tier 1 incidents

67. The department understands that core fuel activities take place across all hours of the day, and it is equally possible that an incident can happen at any time.
68. To report a Tier 1 incident immediately, please contact a member of the Downstream Oil Resilience team or call the emergency out of hours number on **0300 068 6900**.
69. Please provide as much information as possible when reporting incidents. Information provided should include but is not limited to:
 - what happened.
 - where it happened.
 - what caused the incident.
 - the immediate impact on fuel supply (to the best of your knowledge).
 - Immediate steps taken to address the issue as known at the time.
 - your name and contact details.
70. Once an incident is reported, the downstream oil team will review the industry's assessment of the incident as well as assessing any impact on the continuity of supply of core fuels and consider contingency measures, if necessary.

Template for reporting incidents

71. To report all incidents, the department has created a template to support core fuel sector participants in complying with reporting requirements. This lists the information that we expect will need to be provided when reporting an incident. This can be found in Annex A
72. For those who have reported a Tier 1 incident via phone call, the incident must be confirmed in writing and further information should be provided using this template.
73. Core fuel sector participants are strongly advised to include as much detail as possible. As stated in section 270(4), the Government can issue a notice requiring further information on the incident. This is likely to be used where a submitted incident report lacks sufficient information for the Government to properly assess the impact of the incident and adequacy of contingency plans.
74. Core fuel sector participants are therefore encouraged to re-submit the proforma when new information comes to light. This covers instances where certain information is unknown at the time of submission or where there has been a further impact as a result of the original incident.

75. All completed pro-forma must be submitted to The Department for Energy Security and Net Zero via email to downstreamoilteam@energysecurity.gov.uk. Department officials monitor this mailbox frequently to ensure incidents are registered. The Government will handle information provided in accordance with applicable law. Where information submitted to the department is commercially sensitive and identified as such, it will be treated accordingly, subject to Government powers and duties to share information, for example under the Energy Act 2023 and the Freedom of Information Act 2000.
76. Only one representative from the relevant party is required to report an incident. This can be an employee of any grade or level, provided they are duly authorised by their employer to do so. The Government agreed with industry that operators and facility owners are best placed to decide which individuals report incidents.

Chapter 5 Failure to report an incident.

77. Under section 275(2), a core fuel sector participant commits an offence if they fail to report a notifiable incident, without reasonable excuse. It is also an offence to fail to comply with a notice to provide further information about an incident section 275(1).
78. Core fuel sector participants who commit such an offence are liable to:
- i. on summary conviction in England and Wales, imprisonment for a term not exceeding the general limit in a magistrates' court which is currently 12 months, or a fine (or both);
 - ii. on summary conviction in Scotland, imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
 - iii. on summary conviction in Northern Ireland, imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);
 - iv. on conviction on indictment, imprisonment for a term not exceeding 2 years or a fine (or both).
79. It is therefore important that operators and owners are aware of their legal duties if a notifiable incident occurs and ensure that they report it.
80. If the above offence is proved to have been committed with consent or connivance of an officer of the entity or to be due to their neglect, then under section 283 that officer also commits the offence and proceedings may be brought against them. This applies to managers as well as directors, secretaries and other similar officers, and anyone purporting to act in such a capacity.
81. In the unlikely event that a technical or administrative error has resulted in an incident notification submitted outside of the specified timeframes, or not being submitted at all, the Government will take a common-sense approach in considering any further action. We will be providing further information on criminal and civil sanctions can be found at.

Annex A Reporting Template for Notifiable Incidents

82. Those under the duty to report incidents in section 274 in the Energy Act 2023 are encouraged to use the [attached form](#).
83. If you are unsure whether you or your organisation is required to comply with reporting requirements, please consult Part 12 of the Energy Act 2023 and seek legal advice. If you are unsure whether the incident you are reporting may fall within Tier 1, 2 or 3, see the guidance available online.
84. This form is a tool to help support operators and owners to comply with reporting requirements when an incident takes place and clarify what level of detail is recommended to be provided.
85. Please fill out the form text boxes using as much information as possible. If there is information that is unavailable at the time of submission, please indicate when you are likely able to provide this. If you are providing more information on an incident, please re-submit this form and highlight new information in red.
86. If you are reporting a **Tier 1 incident**, you should have first reported this to the Department for Energy Security and Net Zero via telephone. You should do this first before submitting this form setting out the further detail. If you are reporting a **Tier 2 incident** you should have reported this to the Department for Energy Security and Net Zero via telephone and submission. Tier 3 incidents do not require reporting via phone call and can be reported through submission of this form.
87. The completed pro-forma should be submitted to The Department for Energy Security and Net Zero as soon as possible and within the reporting time frames. Please email your completed pro-forma to downstreamoilteam@energysecurity.gov.uk. You will receive a confirmation email, acknowledging receipt of the form.

Find the [Annex A Reporting template on the GOV.UK page](#).

This publication is available from: www.gov.uk/government/publications/core-fuel-sector-resilience-measures-duty-to-report-incidents

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