
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 146

The Assessment of Energy Performance of Non-domestic Buildings (Scotland) Regulations 2016

PART 6

Enforcement

Penalty charge notices – failure to provide action plan

22.—(1) An enforcement authority may, if it believes that a person has breached any duty under regulation 5(1)(a) or (2), give a penalty charge notice to that person.

(2) A penalty charge notice may not be given to a person under paragraph (1)—

- (a) in respect of a breach of the duty under regulation 5(1)(a), unless that person has failed to make an action plan available to a prospective buyer or tenant within a period of 9 days after a request for such an action plan was made to that person; or
- (b) after the end of the period of 6 months beginning with the day on which it appeared to the enforcement authority that the duty under regulation 5(1)(a) or (2), as the case may be, was breached.

(3) A penalty charge notice must—

- (a) be in writing;
- (b) state the enforcement authority's belief that a breach of regulation 5(1)(a) or (2), as the case may be, has occurred;
- (c) give such particulars of the circumstances as may be necessary to give reasonable notice of the breach;
- (d) require the person to whom the notice is given, within the period specified in the notice—
 - (i) to pay the penalty charge specified in the notice; or
 - (ii) to give notice to the enforcement authority requesting the authority to review the notice;
- (e) state the effect of regulation 27(3);
- (f) specify the person to whom and the address at which the penalty charge may be paid and the method or methods by which payment may be made; and
- (g) state that there is a right to request a review of the notice and how and by what date a request for such a review is to be made.

(4) The amount payable as the penalty charge is £1000.

(5) The period specified under paragraph (3)(d) must not be less than 28 days beginning with the day after that on which the penalty charge notice is given.

(6) The enforcement authority may, if it considers that the penalty charge notice ought not to have been given, give the recipient a notice withdrawing the penalty charge notice.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (7) The enforcement authority must withdraw a penalty charge notice where regulation 23 applies.
- (8) Any sum received by a local authority under this regulation shall accrue to that authority.