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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 146**

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

**PART 6**

**Enforcement**

**Appeal to the sheriff court**

**26.**—(1) If after a review the penalty charge notice is confirmed by the enforcement authority, the recipient may appeal against the penalty charge notice to the sheriff court of the sheriffdom in which the building or building unit is situated.

(2) An appeal against a penalty charge notice must be made within the period of 28 days beginning with the day after that on which the notice under regulation 25(1)(c) is given.

(3) The sheriff may extend the period for appealing against the notice on cause shown.

(4) An appeal must be on one (or more) of the following grounds—

- (a) that the recipient did not commit the breach of regulations 5(1)(a) or (2) or 8(1), as the case may be, specified in the penalty charge notice;
- (b) that in the case of a penalty charge notice given under regulation 22(1) the notice was not given within the time allowed by regulation 22(2)(b);
- (c) the notice did not comply with any other requirements imposed by these Regulations; or
- (d) that in the circumstances of the case it was not reasonable for the notice to be given to the recipient.

(5) An appeal against a penalty charge notice must be by summary application.

(6) The sheriff must determine an appeal against a penalty charge notice by upholding or quashing the notice.

(7) A decision of a sheriff may be appealed against as if it were a decision constituting final judgment in civil proceedings within the meaning of the Courts Reform (Scotland) Act 2014(1).