

---

DRAFT STATUTORY INSTRUMENTS

---

**2015 No.**

The Smoke and Carbon Monoxide  
Alarm (England) Regulations 2015

PART 4

Penalty charges

**Recovery of penalty charge**

**12.**—(1) The local housing authority may recover the penalty charge on the order of a court, as if payable under a court order.

(2) Proceedings for the recovery of the penalty charge may not be started before the end of the period specified under regulation 9(1)(e).

(3) Paragraph (4) applies if, within that period, the landlord gives notice to the local housing authority that the landlord wishes the authority to review the penalty charge notice.

(4) Proceedings for the recovery of the penalty charge may not be started—

- (a) before the end of the period within which the landlord may appeal to the First-tier Tribunal against the local housing authority's decision on review; and
- (b) where the landlord so appeals, before the end of the period of 28 days beginning with the day on which the appeal is finally determined or withdrawn.

(5) In proceedings for the recovery of the penalty charge a certificate which is—

- (a) signed by the local housing authority's chief finance officer (within the meaning of section 5 of the Local Government and Housing Act 1989<sup>(1)</sup>), and
- (b) states that the penalty charge has not been received by a date specified in that certificate, is conclusive evidence of that fact, and a certificate to that effect and purporting to be signed is to be treated as being signed, unless the contrary is proved.

(6) Sums received by a local housing authority under a penalty charge may be used by the authority for any of its functions.

---

(1) 1989 c. 42; amendments have been made to section 5 but they are not relevant to these Regulations.