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STATUTORY INSTRUMENTS

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**2007 No. 991**

**The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007**

**PART 7**

**Enforcement**

**Penalty amount**

- 43.**—(1) The penalty charge specified in the notice shall be—
- (a) in relation to a breach of a duty under regulation 5(2), 5(5), 6(2), 9(2) or 10—
    - (i) where the building is a dwelling, £200;
    - (ii) where the building is not a dwelling, calculated in accordance with the formula in paragraph (2);
  - (b) in relation to a breach of a duty under regulation 16(2)(a), £1000;
  - (c) in relation to a breach of a duty under regulation 16(2)(b), £500;
  - (d) in relation to a breach of a duty under regulation 21(1), 23(1), 23(2) or 24, £300; and
  - (e) in relation to a breach of a duty under regulation 39(4), £200.
- (2) Subject to the minimum and maximum penalty charges prescribed by paragraph (3), the penalty charge for the purposes of paragraph (1)(a)(ii) shall be—
- (a) where the building constitutes a hereditament, 12.5% of the rateable value of the hereditament;
  - (b) where no other building (other than a building which is exempt from Part 2 by virtue of regulation 4(1)(b) or 4(1)(c)) forms a part of the same hereditament, 12.5% of the rateable value of the hereditament of which the building forms a part;
  - (c) where the building comprises more than one hereditament, 12.5% of the sum of the rateable values of each hereditament that comprise the building; and
  - (d) where—
    - (i) one or more buildings (other than a building which is exempt from Part 2 by virtue of regulation 4(1)(b) or 4(1)(c)) form part of the same hereditament; or
    - (ii) the building is not, or does not form part of, a hereditament which appears on a local non-domestic rating list at the relevant time,£750.
- (3) The minimum and maximum penalty charges for the purposes of paragraph (2) are £500 and £5000 respectively.
- (4) In this regulation—

“hereditament” means a hereditament which, pursuant to section 42 of the Local Government Finance Act 1988(1), is shown on a local non-domestic rating list in force at the relevant time;

“local non-domestic rating list” means a local non-domestic rating list maintained in accordance with section 41 of the Local Government Finance Act 1988(2);

“rateable value” means the rateable value shown for a hereditament on a local non-domestic rating list at the relevant time; and

“relevant time” means the time at which the penalty charge notice is given.

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(1) 1988 c. 41; amended by the Local Government and Housing Act 1989 (c.42), Schedule 5, paragraph 20.

(2) There are amendments but none is relevant to these Regulations.