
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2020 No.

**The Energy Efficiency (Domestic Private
Rented Property) (Scotland) Regulations 2020**

PART 5

Penalties

Penalty notices

18.—(1) An enforcement authority may serve a notice on L (a “penalty notice”) imposing a financial penalty in accordance with this Part in any case where it is satisfied that L is, or has been at any time in the 18 months preceding the date of service of the penalty notice, in breach of one or more of the following—

- (a) regulation 6,
- (b) regulation 17(4)(a).

(2) A penalty notice must—

- (a) specify the provision of these Regulations which the enforcement authority believes L has breached,
- (b) give such particulars as the enforcement authority considers necessary to identify the matters constituting the breach,
- (c) specify—
 - (i) any action the enforcement authority requires L to take to remedy the breach, and
 - (ii) the period within which such action must be taken,
- (d) specify the amount of any financial penalty imposed,
- (e) require L to pay any financial penalty within a period specified in the notice,
- (f) specify the name and address of the person to whom any financial penalty must be paid and the method by which payment may be made,
- (g) state the effect of regulations 21 to 24, and
- (h) specify—
 - (i) the name and address of the person to whom a notice requesting a review in accordance with regulation 21 may be sent (and to whom any representations relating to the review must be addressed), and
 - (ii) the period within which such a notice may be sent.

(3) Each of the periods specified under paragraph (2)(c) and (e) must not be less than 28 days, beginning on the day on which the penalty notice is served.

(4) Where L fails to take the action required by a penalty notice within the period specified in that penalty notice in accordance with paragraph (2)(c)(ii), the enforcement authority may issue a further penalty notice.