
DRAFT STATUTORY INSTRUMENTS

2015 No.

**The Energy Efficiency (Private Rented Property)
(England and Wales) Regulations 2015**

PART 3

Minimum level of energy efficiency

CHAPTER 7

Appeals and recovery of financial penalties – domestic and non-domestic PR property

Appeals

43. If, after a review, a penalty notice is confirmed by the enforcement authority, L may appeal to the First-tier Tribunal on the grounds that—

- (a) the issue of the penalty notice was based on an error of fact,
- (b) the issue of the penalty notice was based on an error of law,
- (c) the penalty notice does not comply with a requirement imposed by these Regulations, or
- (d) in the circumstances of the case it was inappropriate for the penalty notice to be served on L.

Effect and determination of Appeal

44.—(1) The bringing of an appeal suspends the penalty notice being appealed taking effect, pending determination or withdrawal of the appeal.

(2) The First-tier Tribunal may—

- (a) quash the penalty notice, or
- (b) affirm the penalty notice, whether in its original form or with such modification as it sees fit.

(3) If the penalty notice is quashed, the enforcement authority must repay any amount paid as a financial penalty in pursuance of the notice.

Recovery of financial penalty

45.—(1) The amount of an unpaid financial penalty is recoverable from L as a debt owed to the enforcement authority unless the notice has been withdrawn or quashed.

(2) Proceedings for the recovery of the financial penalty may not be commenced—

- (a) before the expiry of the period specified for requesting a review under regulation 38(2)(h)(ii),
- (b) where a review has been requested under regulation 42(1), before the enforcement authority has served notice of its decision under regulation 42(2)(c), and

- (c) where the enforcement authority has served a notice of its decision under regulation 42(2) (c) confirming the penalty notice, before the expiry of the period within which L may appeal to the First-tier Tribunal.
- (3) In proceedings for the recovery of a financial penalty, a certificate which—
 - (a) purports to be signed by or on behalf of the person having responsibility for the financial affairs of the enforcement authority, and
 - (b) states that payment of the financial penalty was or was not received by a date specified in the certificate,is evidence of the facts stated.