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DRAFT STATUTORY INSTRUMENTS

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**2015 No.**

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

**PART 3**

Minimum level of energy efficiency

CHAPTER 6

Penalties – domestic and non-domestic PR property

**Reviews, waiving and modification of penalties**

**42.**—(1) L may, within the period specified under regulation 38(2)(h)(ii), serve notice on the enforcement authority requesting a review of its decision to serve a penalty notice.

(2) Where L gives notice in accordance with paragraph (1), or where the enforcement authority decides to review its decision to serve a penalty notice in any other case, the enforcement authority must—

- (a) consider any representations made by L and all other circumstances of the case,
- (b) confirm or withdraw the penalty notice, and
- (c) serve notice of its decision to L.

(3) If, on a review under paragraph (2), the enforcement authority—

- (a) ceases to be satisfied that L committed the breach specified in the penalty notice,
- (b) is satisfied that L took all reasonable steps and exercised all due diligence to avoid committing the breach specified in the penalty notice, or
- (c) decides that in the circumstances of the case it was not appropriate for a penalty notice to be served on L,

the enforcement authority must serve a further notice on L withdrawing the penalty notice.

(4) A notice confirming the penalty notice must state the effect of regulations 43 to 45.

(5) On a review under paragraph (2), the enforcement authority may—

- (a) waive a penalty,
- (b) allow the landlord additional time to pay any financial penalty,
- (c) substitute a lower financial penalty where one has already been imposed, or
- (d) modify the application of a publication penalty.