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STATUTORY INSTRUMENTS

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**2014 No. 1643**

**The Energy Savings Opportunity Scheme Regulations 2014**

**PART 8**

Civil penalties and breaches

CHAPTER 2

Breach of Regulations

**Failure to notify**

**43.**—(1) The penalties in paragraph (2) apply where a responsible undertaking fails to notify the scheme administrator of its compliance, contrary to regulation 29.

(2) The penalties are—

(a) the financial penalties of—

(i) an initial penalty of up to £5,000, and

(ii) a daily penalty of up to £500 for each working day the responsible undertaking remains in breach, starting on the day after the service of the penalty notice subject to a maximum of 80 working days, and

(b) the publication penalty.

**Failure to maintain records**

**44.**—(1) The penalties in paragraph (2) apply where a responsible undertaking fails to maintain records, contrary to regulation 28.

(2) The penalties are—

(a) the financial penalties of—

(i) an initial penalty of up to £5,000, and

(ii) a sum representing the cost to the compliance body of confirming the responsible undertaking has complied with the Scheme, and

(b) the publication penalty.

(3) The penalty notice may specify the steps the compliance body requires the responsible undertaking to take to remedy the breach.

**Failure to undertake an energy audit**

**45.**—(1) The penalties in paragraph (2) apply where a responsible undertaking fails to carry out an audit, contrary to Chapter 3 of Part 4, where the alternative routes to compliance in Part 6 do not apply.

(2) The penalties are—

- (a) the financial penalties of—
  - (i) an initial penalty of £50,000, or such lesser amount as the compliance body may determine, and
  - (ii) a daily penalty of up to £500 for each working day the responsible undertaking remains in breach, starting on the day after the service of the compliance notice subject to a maximum of 80 working days, and
- (b) the publication penalty.

(3) The penalty notice may specify the steps the compliance body requires the responsible undertaking to take, including conducting or completing an ESOS assessment, to remedy the breach, and the date by which such steps must be taken.

### **Failure to comply with notice**

**46.**—(1) The penalties in paragraph (2) apply where a responsible undertaking fails to provide information, or to take steps, required by a compliance notice, an enforcement notice or a penalty notice.

- (2) The penalties are—
  - (a) the financial penalties of—
    - (i) an initial penalty of up to £5,000, and
    - (ii) a daily penalty of up to £500 for each working day the responsible undertaking remains in breach, starting on the day after the service of the penalty notice subject to a maximum of 80 working days, and
  - (b) the publication penalty.

### **False or misleading statement**

**47.**—(1) The penalties in paragraph (2) apply where a responsible undertaking makes a statement which is false or misleading when notifying information to the scheme administrator or a compliance body, or when providing information required by a compliance notice, an enforcement notice or a penalty notice.

- (2) The penalties are—
  - (a) £50,000, or such lesser amount as the compliance body may determine, and
  - (b) the publication penalty.