

---

STATUTORY INSTRUMENTS

---

**2007 No. 991**

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

**PART 7**

**Enforcement**

**Penalties under Housing Act 2004**

**41.**—(1) This regulation applies where, at the time the relevant person is subject to the duty in regulation 5, he is also subject to a duty under Part 5 of the Housing Act 2004 (“a Housing Act duty”) in relation to the same building.

(2) A relevant person shall not be liable to a penalty charge notice for a breach of the duty imposed by regulation 5 in circumstances where—

- (a) a penalty charge notice has been given to him under section 168 of the Housing Act 2004—
  - (i) in relation to a breach of a Housing Act duty; and
  - (ii) that breach relates to or includes a failure to make available a valid energy performance certificate or recommendation report; and
- (b) the penalty charge notice has not been withdrawn or quashed in accordance with the provisions of Schedule 8 to that Act.