
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 208

**The Energy Performance of Buildings (Scotland)
Amendment (No. 2) Regulations 2012**

Penalty charge notice for failure to comply with regulation 5A

16. After regulation 17 (penalty charge notices) insert—

“Penalty charge notice for failure to comply with regulation 5A

17A.—(1) An enforcement authority may, if it believes that an owner has breached any duty under regulation 5A, give a penalty charge notice to the owner.

(2) Regulations 17(2)(b), (3) to (7) and 19 to 23 apply in relation to a penalty charge notice given under this regulation as they apply to a penalty charge notice given under regulation 17 subject to the modifications specified in paragraph (3).

(3) The modifications are—

(a) that regulation 17 applies as if—

(i) the reference in paragraph (2)(b) and in paragraph (3)(b) to regulation 5 were a reference to regulation 5A; and

(ii) the reference in paragraph (7) to regulation 18 were a reference to regulation 18A; and

(b) the reference in regulation 20(4)(a) to regulation 5 were a reference to regulation 5A.

(4) Any sum received by a local authority under this regulation shall accrue to that authority.

Penalty charge notice for failure to comply with regulation 9

17B.—(1) An enforcement authority may, if it believes that an owner or occupier has breached any duty under regulation 9, give a penalty charge notice to the owner or occupier, as the case may be.

(2) Regulations 17(2)(b), (3) to (6) and 19 to 23 apply in relation to a penalty charge notice given under this regulation as they apply to a penalty charge notice given under regulation 17 subject to the modifications specified in paragraph (3).

(3) The modifications are—

(a) that regulation 17 applies as if the reference in paragraph (2)(b) and in paragraph (3)(b) to regulation 5 were a reference to regulation 9; and

(b) the reference in regulation 20(4)(a) to regulation 5 were a reference to regulation 9.

(4) Any sum received by a local authority under this regulation shall accrue to that authority.”.