
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 146

The Assessment of Energy Performance of Non-domestic Buildings (Scotland) Regulations 2016

PART 6

Enforcement

Reviews

25.—(1) If, within the period specified under regulation 22(3)(d) or 24(3)(d) as the case may be, the recipient of the penalty charge notice gives notice to the enforcement authority requesting a review, the authority must—

- (a) consider any representations made by the recipient and all other circumstances of the case;
- (b) decide whether to confirm or withdraw the notice; and
- (c) serve notice of its decision and the reasons for it on the recipient.

(2) A notice under paragraph (1)(c) confirming the penalty charge notice must also state the effect of regulations 26 and 27.

(3) If, following a review, the enforcement authority is satisfied that—

- (a) the recipient did not commit the breach of duty specified in the notice;
- (b) in the case of a penalty charge notice given under regulation 22(1) the notice was not given within the time allowed by regulation 22(2)(b);
- (c) the notice did not comply with any other requirements imposed by these Regulations; or
- (d) in the circumstances of the case it was not reasonable for a penalty charge notice to be given to the recipient,

it must withdraw the penalty charge notice.