



# Energy Act 2004

## 2004 CHAPTER 20

### PART 2

#### SUSTAINABILITY AND RENEWABLE ENERGY SOURCES

### CHAPTER 5

#### RENEWABLE TRANSPORT FUEL OBLIGATIONS

#### **129 Imposition of civil penalties**

- (1) An RTF order may—
  - (a) designate a provision made by or under this Chapter for the purposes of this section; and
  - (b) provide that a person is to be liable to a civil penalty if—
    - (i) he contravenes that provision; and
    - (ii) any other specified conditions are satisfied.
- (2) Where the Administrator is satisfied that a person (the “defaulter”) is so liable, he may give a notice to the defaulter in the specified manner (a “civil penalty notice”) imposing on the defaulter a penalty of such amount as the Administrator considers appropriate.
- (3) That penalty must not exceed the lesser of—
  - (a) the specified amount; and
  - (b) the amount equal to ten per cent of the turnover, as determined in the specified manner, of the specified business of the defaulter.
- (4) The civil penalty notice must—
  - (a) set out the Administrator’s reasons for deciding that the defaulter is liable to a penalty;
  - (b) state the amount of the penalty that is being imposed;
  - (c) set out a date before which the penalty must be paid to the Administrator;

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*Status: This is the original version (as it was originally enacted).*

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- (d) describe how payment may be made;
  - (e) explain the steps that the defaulter may take if he objects to the penalty; and
  - (f) set out and explain the powers of the Administrator to enforce the penalty.
- (5) The date for the payment of the penalty must not be less than 14 days after the giving of the civil penalty notice.
- (6) A penalty imposed by virtue of this section must be paid to the Administrator—
- (a) by the date set out in the civil penalty notice by which it is imposed; and
  - (b) in a manner described in that notice.
- (7) Sums received by the Administrator by virtue of this section must be paid to the Secretary of State, who must pay them into the Consolidated Fund.