
STATUTORY INSTRUMENTS

2014 No. 1643

The Energy Savings Opportunity Scheme Regulations 2014

PART 9

Appeals and service of documents

Appeals

48.—(1) A responsible undertaking served with a determination under regulation 35(5) or paragraph 13(2) of Schedule 2, or with an enforcement notice, or a penalty notice, may appeal to the relevant appeal body on the grounds that the determination, enforcement notice or penalty notice (as the case may be) was—

- (a) based on an error of fact,
- (b) wrong in law, or
- (c) unreasonable.

(2) The relevant appeal body—

- (a) in the case of an appeal against a determination made, or an enforcement notice or a penalty notice issued, by the scheme administrator, the Natural Resources Body for Wales, or the Secretary of State for Energy and Climate Change, is the First-tier Tribunal,
- (b) in the case of an appeal against determination made, or an enforcement notice or a penalty notice issued by the Scottish Environment Protection Agency, is the Scottish Ministers,
- (c) in the case of an appeal against a determination made, or an enforcement notice or a penalty notice issued by the Chief Inspector, is the Planning Appeals Commission.

(3) “First-tier Tribunal” has the meaning given in section 3 of the Tribunals, Courts and Enforcement Act 2007(1).

(4) “Planning Appeals Commission” has the meaning given in of Article 110(1) of the Planning (Northern Ireland) Order 1991(2).

(5) Schedule 4 has effect in relation to the making of appeals to the Scottish Ministers and the Planning Appeals Commission.

Effect of an appeal

49. The bringing of an appeal suspends the determination, enforcement notice or penalty notice (as the case may be) being appealed taking effect pending determination of the appeal.

Determination of an appeal

50. An appeal body may—

(1) 2007 c. 15. Such appeals are assigned to the General Regulatory Chamber of the First-tier Tribunal by virtue of article 3(a) of the First-tier Tribunal and Upper Tribunal (Chamber) Order 2010 (S.I. 2010/2655).

(2) S.I. 1991/1220 (N.I. 11), to which there are amendments not relevant to these Regulations.

- (a) cancel the determination, enforcement notice or penalty notice (as the case may be),
- (b) affirm the determination, enforcement notice or penalty notice (as the case may be), whether in its original form or with such modification as it sees fit,
- (c) instruct the scheme administrator or the relevant compliance body to do, or not to do, any thing which is within the power of the scheme administrator or compliance body.

Service of documents

51. Any determination or notice required to be served on a responsible undertaking, may be served by—

- (a) delivering or sending it to, or leaving it at—
 - (i) the responsible undertaking's registered office (where applicable),
 - (ii) the responsible undertaking's principal place of activity, or
 - (iii) another address in the United Kingdom specified by the responsible undertaking as its address for service, or
- (b) sending it by electronic means to the email address provided by the responsible undertaking pursuant to paragraph 1(b) of Schedule 3.