
STATUTORY INSTRUMENTS

2014 No. 1643

The Energy Savings Opportunity Scheme Regulations 2014

PART 8

Civil penalties and breaches

CHAPTER 1

Civil penalties

Penalty notices

39.—(1) In any case where the relevant compliance body is satisfied that a responsible undertaking is liable to a civil penalty under this Part, it may serve a notice on that responsible undertaking (a “penalty notice”) imposing the penalties and other requirements set out in this Part.

(2) A penalty notice must—

- (a) be in writing,
- (b) be served on the person to whom it is addressed,
- (c) specify—
 - (i) the breach of these Regulations in respect of which the penalty is imposed,
 - (ii) the steps that must be taken to remedy the breach,
 - (iii) the nature of the penalty, and
- (d) include information about appeals under Part 9.

(3) A penalty notice imposing a financial penalty must specify—

- (a) where no daily penalty applies or the total amount of the daily penalty can be determined at the date of service of the notice—
 - (i) the total amount due,
 - (ii) where applicable, how it has been calculated, and
 - (iii) to whom, and the date by which, it must be paid,
- (b) where a daily penalty applies and the total amount of the daily penalty cannot be determined at the date of service of the notice—
 - (i) the amount of the initial penalty,
 - (ii) details of the applicable daily penalty, and
 - (iii) to whom the penalty must be paid.

(4) Where a notice has been served under paragraph (3)(b) and the total amount of the daily penalty can be determined after the date of service of the notice, the compliance body must serve a further notice on the responsible undertaking which complies with paragraph (3)(a).

(5) The daily penalty rate must be calculated by reference to working days.

(6) The compliance body must remit to the Secretary of State any financial penalty received.