
STATUTORY INSTRUMENTS

2023 No. 454

**The Energy Bills Discount Scheme
(Northern Ireland) Regulations 2023**

PART 5

Further provisions

CHAPTER 5

Enforcement

Civil penalties for defaulting persons

80.—(1) A defaulting person is liable to the civil penalty referred to in paragraph (3) in respect of the Chapter 3 default.

(2) But the defaulting person is not liable to that civil penalty if, in the case of a Chapter 3 default within regulation 26(1)(a), the defaulting person demonstrates to the satisfaction of the Secretary of State that it took reasonable care to ensure that no statement in its ETII application or QHS application was materially incorrect or misleading.

(3) The civil penalty is the greater of—

- (a) £2,000, and
- (b) 50% of the default benefit amount.

(4) If the Secretary of State considers that a defaulting person is liable to the civil penalty referred to in paragraph (3) the Secretary of State must impose the civil penalty on the person by giving a notice to the person.

(5) The penalty notice must set out—

- (a) the grounds for liability;
- (b) the amount of the penalty;
- (c) the date by which the penalty must be paid (the “due date”), which must not be less than 28 days after the day on which the notice is given;
- (d) how payment may be made;
- (e) information about rights of appeal.

(6) The defaulting person to whom a penalty notice is given must pay the civil penalty set out in the notice on or before the due date.

(7) A civil penalty imposed by a penalty notice is recoverable by the Secretary of State as a civil debt.

(8) A defaulting person may appeal to the court against the imposition of a civil penalty.

(9) An appeal under paragraph (8) must be brought within the period of 28 days beginning with the date on which the penalty notice was given that imposed the civil penalty appealed against.

- (10) On an appeal under paragraph (8), the court may—
- (a) allow the appeal and cancel the penalty,
 - (b) if it determines that the Secretary of State has erred in calculating the default benefit amount, allow the appeal and vary the amount of the penalty, or
 - (c) dismiss the appeal.
- (11) An appeal under paragraph (8)—
- (a) suspends the effect of paragraphs (6) and (7) in respect of the penalty to which it relates until it is determined,
 - (b) is to be a re-hearing of the Secretary of State’s decision to impose a penalty, and
 - (c) may be determined having regard to matters of which the Secretary of State was unaware.
- (12) In this regulation “penalty notice” means a notice given under paragraph (4).

Commencement Information

II Reg. 80 in force at 26.4.2023, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Energy Bills Discount Scheme (Northern Ireland) Regulations 2023, Section 80.