



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;

Changes to legislation: Energy Act 2004, Section 129 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (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.
- [^{F1}(7) Sums received by the Administrator by virtue of this section—
- (a) where the Administrator is the Secretary of State, must be paid into the Consolidated Fund, and
 - (b) otherwise, must be paid to the Secretary of State, who must pay them into the Consolidated Fund.]

Textual Amendments

F1 S. 129(7) substituted (26.1.2009) by [Climate Change Act 2008 \(c. 27\)](#), s. 100(5), [Sch. 7 para. 5](#)

Commencement Information

II S. 129 in force at 5.10.2004 by [S.I. 2004/2575](#), art. 2(1), [Sch. 1](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 137(3)(c)-(e) inserted by [2011 c. 16 s. 117\(b\)](#)
- s. 173(2C) inserted by [2023 c. 52 Sch. 14 para. 10](#)
- Sch. 22 para. 4(1A) inserted by [2023 c. 52 Sch. 14 para. 11\(2\)\(b\)](#)