



# Energy Act 2011

## 2011 CHAPTER 16

### PART 1

#### ENERGY EFFICIENCY

### CHAPTER 3

#### PRIVATE RENTED SECTOR: SCOTLAND

##### *Scottish domestic energy efficiency regulations*

#### **57 Sanctions for the purposes of Scottish domestic energy efficiency regulations**

- (1) Scottish domestic energy efficiency regulations may include provision for the purpose of securing compliance with requirements imposed on landlords by or under the regulations.
- (2) Provision falling within subsection (1) includes, in particular, provision—
  - (a) for a local authority to enforce any requirement imposed by or under the regulations;
  - (b) about the sanctions for non-compliance with a requirement imposed by or under the regulations;
  - (c) about the sanctions for the provision of false information in connection with such a requirement;including, in cases falling within paragraph (b) or (c), the imposition of a civil penalty by a local authority.
- (3) The amount of any civil penalty provided for by Scottish domestic energy efficiency regulations must not exceed £5,000.
- (4) Where Scottish domestic energy efficiency regulations make provision for the imposition of a civil penalty, the regulations must also include provision for a right of appeal to a court or tribunal against the imposition of the penalty.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Provision falling within subsection (4) includes, in particular, provision—
- (a) as to the jurisdiction of the court or tribunal to which an appeal may be made;
  - (b) as to the grounds on which an appeal may be made;
  - (c) as to the procedure for making an appeal (including any fee which may be payable);
  - (d) suspending the imposition of the penalty, pending determination of the appeal;
  - (e) as to the powers of the court or tribunal to which an appeal is made;
  - (f) as to how any sum payable in pursuance of a decision of the court or tribunal is to be recoverable.
- (6) The provision referred to in subsection (5)(e) includes provision conferring on the court or tribunal to which an appeal is made power—
- (a) to confirm the penalty;
  - (b) to withdraw the penalty;
  - (c) to vary the amount of the penalty;
  - (d) to award expenses.
- (7) If the Scottish Ministers consider it appropriate for the purpose of, or in consequence of, any provision falling within subsection (5)(a), (c), (e) or (f), Scottish domestic energy efficiency regulations may revoke or amend any subordinate legislation if the provision making the revocation or amendment would be within the legislative competence of the Scottish Parliament if it were included in an Act of that Parliament.
- (8) In this section “subordinate legislation” has the meaning given in section 21(1) of the Interpretation Act 1978, except that it includes any instrument made under an Act of the Scottish Parliament.