
STATUTORY INSTRUMENTS

2023 No. 1394

The Vehicle Emissions Trading Schemes Order 2023

Part 6

Civil penalties

Financial penalties: general

- 94.**—(1) A penalty notice in respect of a financial penalty must specify—
- (a) that payment must be made to the administrator;
 - (b) how payment must be made;
 - (c) where no daily penalty applies or the total amount of the daily penalty can be determined at the date of the giving of the notice—
 - (i) the total amount due;
 - (ii) where applicable, how it has been calculated; and
 - (iii) the date by which it must be paid; and
 - (d) where a daily penalty rate applies and the total amount of the daily penalty cannot be determined at the date of the giving of the notice—
 - (i) the amount of the initial penalty; and
 - (ii) details of the applicable daily rate.
- (2) Where paragraph (1)(d) applies and the total amount of the daily penalty can be determined after the date of giving of the notice, the administrator must give a further notice to the person liable to the penalty which complies with paragraph (1)(c).
- (3) The administrator must pay any financial penalty received into the consolidated fund.
- (4) In England and Wales, a financial penalty is recoverable as if it were payable under an order of the county court in England and Wales.
- (5) In Scotland, a financial penalty may be enforced in the same manner as an extract registered decree arbitral bearing a warrant of execution issued by the sheriff court of any sheriffdom in Scotland.
- (6) Where action is taken under paragraph (4) for the recovery of a sum payable as a financial penalty pursuant to this Order, the financial penalty is, for England and Wales, to treated for the purposes of section 98 of the Courts Act 2003(1) (register of judgments and orders etc.) as if it were a judgment entered in the county court.

(1) 2003 c. 39. Section 98 has been amended by sections 48(1) and 106(2) of, and paragraph 55(1), (2), (3)(a) and (b) of Schedule 8 and paragraph 15 of Schedule 16 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15) and section 17(5) of, and paragraph 40(a) and (c) of Part 2 of Schedule 9 to, the Crime and Courts Act 2013 (c. 22). Further amendments made by the Tribunals, Courts and Enforcement Act 2007 have yet to be brought into force.