



The Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008

Review, Appeal and Recovery of Penalty Charges

The enforcement authority may issue a penalty charge notice for a breach of any duty under the Regulations [\[regulation 36\]](#)

Review

[\[regulation 36\(1\)\]](#) The recipient of a penalty charge may request a review from the enforcement authority within

- the period specified in the penalty notice itself [\[regulation 33\(3\)\(c\)\]](#) or
- the extended period granted by the enforcement authority [\[regulation 33\(5\)\]](#).

The authority may either withdraw or confirm the notice on the basis of the recipient's representations and all the circumstances of the case.

[\[regulation 36\(3\)\]](#) The authority may **withdraw** the notice if it concludes that

- no breach was committed or
- it was given six months after the breach occurred or
- in the circumstances it was inappropriate.

The authority may **confirm** the penalty notice and the notification of their decision must refer to the recipient's right of appeal and their right to recover the amount of the penalty charge [\[regulation 36\(2\)\]](#).

Appeal

[\[regulation 37\(1\)\]](#) Within 28 days, beginning with the day after a notice has been confirmed, the recipient may appeal to the county court. The grounds of appeal are the same as those in the review process [\[regulation 37\(3\)\]](#). The court may uphold or withdraw or quash the notice.

If the notice is withdrawn or quashed, the authority shall repay the full amount of the penalty charge to the recipient of the notice [\[regulation 37\(5\)\]](#).

Recovery

[\[regulation 38\(1\)\]](#) Provided the penalty charge has not been paid or withdrawn or quashed, the authority may recover the full amount of the charge.

[\[regulation 38\(3\)\]](#) However, such proceedings shall not be commenced

- during either the original payment period (as stated in the notice) or in any extended period or
- where the recipient requests a review, before 28 days beginning with the day after the notice has been confirmed or
- where the recipient appeals, before 28 days beginning with the day on which the appeal is withdrawn or determined.