



## Monmouthshire County Council

### The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015

### COMPLIANCE NOTICE

Reference:

To XX

Of XX

Address of premises: XXXXX

Monmouthshire County Council ("the Authority") in exercise of their powers under;

#### **Regulation 37; Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015**

Require you to produce documents specified herewith (Delete all those that do not apply);.

- (a) the energy performance certificate for the above property which was valid at the time the property was let,**
- (b) any other energy performance certificate for the property in your possession,**
- (c) any current tenancy agreement under which the property is let,**
- (d) any qualifying assessment in relation to the property,**
- (e) any other document** (list all that are included)(which the enforcement authority considers necessary to enable it to carry out its functions under this Part),

#### **AND/OR register copies of the requested information on the PRS Exemptions Register (Private Rented Sector)**

The Documents should be sent to: XXXXXXXXXXXXXXX (Officer)

At, Monmouthshire Trading Standards County Hall, The Rhadyr, Usk, Monmouthshire NP15 1GA.

The documents must be produced by **xxx xxx xxx** (this must be at least one calendar month from the date of the Notice)

A person will be in breach of the Regulations if [he] [she] fails to do anything required of [him] [her] by a notice and under Regulation 37(4)(a) is liable to a financial penalty of up to £2000.00/£5000.00

Signed..... Date.....

XX Position.

duly authorised for and on behalf of Monmouthshire County Council.

Further information in respect of this notice can be obtained from: Monmouthshire Trading Standards County Hall, The Rhadyr, Usk, Monmouthshire NP15 1GA. Tel 01873 735420, email: tradingstandards@monmouthshire.gov.uk

## Notes

### Compliance notices

37.—(1) An enforcement authority may, on or after 1st April 2018, serve a notice (a “compliance notice”) on a person (“L”) who appears to it to be, or to have been at any time within the 12 months preceding the date of service of the compliance notice, in breach of one or more of the following—

- (a) regulation 23,
  - (b) regulation 27,
- requesting such information as it considers necessary to enable it to monitor compliance with this Part.
- (2) A compliance notice may in particular request L to produce for inspection originals, or copies, of the following—
- (a) the energy performance certificate for the property which was valid at the time the property was let,
  - (b) any other energy performance certificate for the property in L’s possession,
  - (c) any current tenancy agreement under which the property is let,
  - (d) any qualifying assessment in relation to the property,
  - (e) any other document which the enforcement authority considers necessary to enable it to carry out its functions under this Part,

and may request L to register copies of any of them on the PRS Exemptions Register

- (3) A compliance notice must specify—
- (a) the name and address of the person to whom the documents or other information required must be provided, and
  - (b) the date by which they must be provided which must be no less than one month from the date on which the compliance notice is served.
- (4) L must—
- (a) comply with the compliance notice, and

(b) allow the enforcement authority to take copies of any original document produced.

(5) A compliance notice may be varied or revoked in writing at any time by the enforcement authority that issued it.

(6) An enforcement authority may take into account any information held by it, whether or not provided to it in accordance with this regulation, in determining whether L has complied with this Part.

### Penalty notices

38.—(1) An enforcement authority may, on or after 1st April 2018, serve a notice on L (a “penalty notice”) in any case where it is satisfied that L is, or has been at any time in the 18 months preceding the date of service of the penalty notice, in breach of one or more of the following—

- (a) regulation 23,
- (b) regulation 27,
- (c) regulation 37(4)(a),

imposing a financial penalty, a publication penalty, or both a financial penalty and a publication penalty, in accordance with this Chapter

### Advice:

If you do not understand this notice or wish to know more about it, you should contact the Local Authority. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Housing Aid Centre, Law Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee. If you want to know more about the works the Local Authority require you to do, you may wish to consult a surveyor.



## Monmouthshire County Council

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015  
Regulations 38 & 40.

### Notice to Impose a Financial Penalty

To: [Insert full name which identifies an individual or company at address below]

Of: [Address of person on whom the notice is to be served]

The Local Authority, Monmouthshire County Council ('the Council'), **GIVE NOTICE** that the Council, is satisfied, beyond reasonable doubt that on XXXXXX you were in breach of

**Regulation 23(1) - Prohibition on letting of sub-standard domestic property**

And/OR

**Regulation 37(4) - Failing to comply with a Compliance notice**

in respect of:

[Address of property].

The amount of a financial penalty imposed is determined by the Council, but must not be more than £5,000.

The Council hereby impose a financial penalty for the above offence of **[£ In words also please ]**.

**The penalty has been calculated by; (to be inserted where applicable, reference the relevant paragraph of the Regulations)**

**An invoice will be sent to you after one month of this Notice being Served. You will need the reference number on this to make a payment. The invoice will include details of the ways to pay. The payment must be made within 28 days of the date of the invoice.**

In addition the Council propose to impose a Publication Penalty under Regulation 40, to publish on the PRS Exemptions Register the following information;

**(a) the name of the organisation receiving the Financial Penalty,**

**(b) details of the breach of these Regulations in respect of which the penalty notice has been issued,**

**(c) the address of the property in relation to which the breach has occurred, and**



**(d) the amount of any financial penalty imposed.**

**The information will be held on the register for a period of XX months**

*(must be a min of 12 months)*

**Reasons for the Notice**

The reasons for proposing to impose a Financial Penalty are detailed in the 'Statement of Reasons' below which form part of this Notice.

**Actions/ works required**

The action the Authority requires you to take to remedy the breach are listed in the attached Schedule of works which also forms part of this Notice.

The works requested in the schedule of works must be complete by XXXX xxxx XXX

*(not less than one month beginning on the day that this Notice is served)*

**Request for Review**

**Regulation 42** You may make a written request for Monmouthshire County Council to review the Penalty. Any representations must be made within a period of 30 days from the date of this Notice; therefore by the **XX** of **XX** 202X

After the end of the period for representations the Council may—

- (a) waive a penalty,
- (b) allow the landlord additional time to pay any financial penalty,
- (c) substitute a lower financial penalty where one has already been imposed, or
- (d) modify the application of a publication penalty..

Monmouthshire County Council will serve a Notice informing you of the outcome of the review.

**Appeals**

**Regulation 43.** If, **after** a review, a penalty notice is confirmed by the enforcement authority, you may appeal to the First-tier Tribunal on the grounds that—

- (a) the issue of the penalty notice was based on an error of fact,
- (b) the issue of the penalty notice was based on an error of law,
- (c) the penalty notice does not comply with a requirement imposed by these Regulations, or
- (d) in the circumstances of the case it was inappropriate for the penalty notice to be served on the landlord.

**Regulation 44.** The bringing of an appeal suspends the penalty notice being appealed taking effect, pending determination or withdrawal of the appeal. The First-tier Tribunal may quash the penalty notice, or affirm the penalty notice, whether in its original form or with such modification as it sees fit. If the penalty notice is quashed, the enforcement authority must repay any amount paid as a financial penalty in pursuance of the notice.

**Regulation 45.** The amount of an unpaid financial penalty is recoverable from you as a debt owed to the Council unless the Penalty Notice imposing the financial penalty has been withdrawn by the Council or quashed by the First-Tier Tribunal. Proceedings for recovery may not be commenced until



- before the expiry of the period specified for requesting a review under regulation 38(2)(h)(ii),
- where a review has been requested under regulation 42(1), before the enforcement authority has served notice of its decision under regulation 42(2)(c), and
- where the enforcement authority has served a notice of its decision under regulation 42(2)(c) confirming the penalty notice, before the expiry of the period within which L may appeal to the First-tier Tribunal.

In proceedings for the recovery of a financial penalty, a certificate which—  
purports to be signed by or on behalf of the person having responsibility for the financial affairs of the enforcement authority, and states that payment of the financial penalty was or was not received by a date specified in the certificate, is evidence of the facts stated.

**Address of the First Tier Tribunal;  
General Regulatory Chamber, HM Courts and Tribunal Service, PO BOX 9300,  
Leicester, LE18DJ  
Tel 0300 123 4504  
grc@justice.gov.uk**

Signature of authorised officer:.....

[Name]

[Date]

Further information in respect of this notice can be obtained from Monmouthshire County Trading Standards, County Hall, The Rhadyr, Usk, Monmouthshire NP15 1GA tel 01873 735420.

**Note:** Written representations will also be accepted by email to [tradingstandards@monmouthshire.gov.uk](mailto:tradingstandards@monmouthshire.gov.uk) . Please note to be considered you must ensure you receive an acknowledgement of your email.

**Notes**

**Recovery of financial penalty**

- 45.—(1) The amount of an unpaid financial penalty is recoverable from L as a debt owed to the enforcement authority unless the notice has been withdrawn or quashed.
- (2) Proceedings for the recovery of the financial penalty may not be commenced—
- (a)before the expiry of the period specified for requesting a review under regulation 38(2)(h)(ii),
  - (b)where a review has been requested under regulation 42(1), before the enforcement authority has served notice of its decision under regulation 42(2)(c), and
  - (c)where the enforcement authority has served a notice of its decision under regulation 42(2)(c) confirming the penalty notice, before the expiry of the period within which L may appeal to the First-tier Tribunal.
- (3) In proceedings for the recovery of a financial penalty, a certificate which—
- (a)purports to be signed by or on behalf of the person having responsibility for the financial affairs of the enforcement authority, and
  - (b)states that payment of the financial penalty was or was not received by a date specified in the certificate, is evidence of the facts stated.



## Monmouthshire County Council

### The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 Regulation 41

## Notice to Impose a Financial Penalty

To: **[Insert full name which identifies an individual or company at address below]**

Of: **[Address of person on whom the notice is to be served]**

The Local Authority, Monmouthshire County Council ('the Council'), **GIVE NOTICE** that the Council, is satisfied, beyond reasonable doubt that on XXXXXX you were in breach of

### **Regulation 41(4) Registering False or Misleading information on the PRS Exemptions Register**

in respect of:

**[Address of property].**

PRS reference number: (where applicable)

The amount of a financial penalty imposed is determined by the Council, but must not be more than £5000.00

The Council hereby impose a financial penalty for the above offence of **[£ In words also please ]**.

**The penalty has been calculated by; (to be inserted where applicable, reference the relevant paragraph of the Regulations)**

**An invoice will be sent to you after one month of this Notice being Served. You will need the reference number on this to make a payment. The invoice will include details of the ways to pay. The payment must be made within 28 days of the date of the invoice.**

In addition the Council propose to impose a Publication Penalty under Regulation 41, to publish on the PRS Exemptions Register the following information;

**(a) the name of the organisation receiving the Financial Penalty,**

**(b) details of the breach of these Regulations in respect of which the penalty notice has been issued,**

**(c) the address of the property in relation to which the breach has occurred, and**



**(d) the amount of any financial penalty imposed.**

**The information will be held on the register for a period of XX months**

*(must be a min of 12 months)*

**Reasons for the Notice**

The reasons for proposing to impose a Financial Penalty are detailed in the 'Statement of Reasons' below which form part of this Notice.

**Actions/ works required**

The action the Authority requires you to take to remedy the breach are listed in the attached Schedule of works which also forms part of this Notice.

The works requested in the schedule of works must be complete by XXXX xxxx XXX  
*(not less than one month beginning on the day that this Notice is served)*

**Request for Review**

**Regulation 42** You may make a written request for Monmouthshire County Council to review the Penalty. Any representations must be made within a period of 30 days from the date of this Notice; therefore by the **XX of XX 202X**

After the end of the period for representations the Council may—

- (a) waive a penalty,
- (b) allow the landlord additional time to pay any financial penalty,
- (c) substitute a lower financial penalty where one has already been imposed, or
- (d) modify the application of a publication penalty..

Monmouthshire County Council will serve a Notice informing you of the outcome of the review.

**Appeals**

**Regulation 43.** If, **after** a review, a penalty notice is confirmed by the enforcement authority, you may appeal to the First-tier Tribunal on the grounds that—

- (a) the issue of the penalty notice was based on an error of fact,
- (b) the issue of the penalty notice was based on an error of law,
- (c) the penalty notice does not comply with a requirement imposed by these Regulations, or
- (d) in the circumstances of the case it was inappropriate for the penalty notice to be served on the landlord.

**Regulation 44.** The bringing of an appeal suspends the penalty notice being appealed taking effect, pending determination or withdrawal of the appeal. The First-tier Tribunal may quash the penalty notice, or affirm the penalty notice, whether in its original form or with such modification as it sees fit. If the penalty notice is quashed, the enforcement authority must repay any amount paid as a financial penalty in pursuance of the notice.

**Regulation 45.** The amount of an unpaid financial penalty is recoverable from you as a debt owed to the Council unless the Penalty Notice imposing the financial penalty has been withdrawn by the Council or quashed by the First-Tier Tribunal. Proceedings for recovery may not be commenced until





- before the expiry of the period specified for requesting a review under regulation 38(2)(h)(ii),
- where a review has been requested under regulation 42(1), before the enforcement authority has served notice of its decision under regulation 42(2)(c), and
- where the enforcement authority has served a notice of its decision under regulation 42(2)(c) confirming the penalty notice, before the expiry of the period within which L may appeal to the First-tier Tribunal.

In proceedings for the recovery of a financial penalty, a certificate which—  
purports to be signed by or on behalf of the person having responsibility for the financial affairs of the enforcement authority, and states that payment of the financial penalty was or was not received by a date specified in the certificate, is evidence of the facts stated.

**Address of the First Tier Tribunal;  
General Regulatory Chamber, HM Courts and Tribunal Service, PO BOX 9300,  
Leicester, LE18DJ  
Tel 0300 123 4504  
grc@justice.gov.uk**

Signature of authorised officer:.....  
[Name]

[Date]

Further information in respect of this notice can be obtained from Monmouthshire County Trading Standards, County Hall, The Rhadyr, Usk, Monmouthshire NP15 1GA tel 01873 735420.

**Note:** Written representations will also be accepted by email to [tradingstandards@monmouthshire.gov.uk](mailto:tradingstandards@monmouthshire.gov.uk) . Please note to be considered you must ensure you receive an acknowledgement of your email.

**Notes**

**Recovery of financial penalty**

- 45.—(1) The amount of an unpaid financial penalty is recoverable from L as a debt owed to the enforcement authority unless the notice has been withdrawn or quashed.
- (2) Proceedings for the recovery of the financial penalty may not be commenced—
- (a) before the expiry of the period specified for requesting a review under regulation 38(2)(h)(ii),
  - (b) where a review has been requested under regulation 42(1), before the enforcement authority has served notice of its decision under regulation 42(2)(c), and
  - (c) where the enforcement authority has served a notice of its decision under regulation 42(2)(c) confirming the penalty notice, before the expiry of the period within which L may appeal to the First-tier Tribunal.
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- (a) purports to be signed by or on behalf of the person having responsibility for the financial affairs of the enforcement authority, and
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## Monmouthshire County Council

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015  
Regulations 38 & 41

### Notice to Impose a Financial Penalty

To: [Insert full name which identifies an individual or company at address below]

Of: [Address of person on whom the notice is to be served]

The Local Authority, Monmouthshire County Council ('the Council'), **GIVE NOTICE** that the Council, is satisfied, beyond reasonable doubt that on XXXXXX you were in breach of

**Regulation 27(1) - Prohibition on letting of sub-standard non-domestic property**

And/OR

**Regulation 37(4) - Failing to comply with a Compliance notice**

in respect of:

[Address of property].

The Council hereby impose a financial penalty for the above offence of **[£ In words also please ]**.

**The penalty has been calculated by** (to be inserted where applicable, reference the relevant paragraph of the Regulations and the enforcement protocol, citing hazard and culpability principles)

**An invoice will be sent to you after one month of this Notice being Served. You will need the reference number on this to make a payment. The invoice will include details of the ways to pay. The payment must be made within 28 days of the date of the invoice.**

In addition, the Council intend to impose a Publication Penalty under Regulation 41, to publish on the PRS Exemptions Register the following information;

- (a) the name of the organisation receiving the Financial Penalty,**
- (b) details of the breach of these Regulations in respect of which the penalty notice has been issued,**
- (c) the address of the property in relation to which the breach has occurred, and**
- (d) the amount of any financial penalty imposed.**



**The information will be held on the register for a period of XX months**

*(must be a min of 12 months)*

**Reasons for the Notice**

The reasons for proposing to impose a Financial Penalty are detailed in the 'Statement of Reasons' enclosed, which form part of this Notice.

**Actions/ works required**

The action the Authority requires you to take to remedy the breach are listed in the attached Schedule of works enclosed, which also forms part of this Notice.

The works requested in the schedule of works must be complete by XXXX xxxx XXX  
*(not less than one month beginning on the day that this Notice is served)*

**Request for Review**

**Regulation 42** You may make a written request for Monmouthshire County Council to review the Penalty. Any representations must be made within a period of 30 days from the date of this Notice; therefore by the **XX of XX 202X**

After the end of the period for representations the Council may—

- (a) waive a penalty,
- (b) allow the landlord additional time to pay any financial penalty,
- (c) substitute a lower financial penalty where one has already been imposed, or
- (d) modify the application of a publication penalty..

Monmouthshire County Council will serve a Notice informing you of the outcome of the review.

**Appeals**

**Regulation 43.** If, **after** a review, a penalty notice is confirmed by the enforcement authority, you may appeal to the First-tier Tribunal on the grounds that—

- (a) the issue of the penalty notice was based on an error of fact,
- (b) the issue of the penalty notice was based on an error of law,
- (c) the penalty notice does not comply with a requirement imposed by these Regulations, or
- (d) in the circumstances of the case it was inappropriate for the penalty notice to be served on the landlord

**Regulation 44.** The bringing of an appeal suspends the penalty notice being appealed taking effect, pending determination or withdrawal of the appeal. The First-tier Tribunal may quash the penalty notice, or affirm the penalty notice, whether in its original form or with such modification as it sees fit. If the penalty notice is quashed, the enforcement authority must repay any amount paid as a financial penalty in pursuance of the notice.

**Regulation 45.** The amount of an unpaid financial penalty is recoverable from you as a debt owed to the Council unless the Penalty Notice imposing the financial penalty has been withdrawn by the Council or quashed by the First-Tier Tribunal. Proceedings for recovery may not be commenced until

-before the expiry of the period specified for requesting a review under regulation 38(2)(h)(ii),



- where a review has been requested under regulation 42(1), before the enforcement authority has served notice of its decision under regulation 42(2)(c), and
- where the enforcement authority has served a notice of its decision under regulation 42(2)(c) confirming the penalty notice, before the expiry of the period within which L may appeal to the First-tier Tribunal.

In proceedings for the recovery of a financial penalty, a certificate which—

purports to be signed by or on behalf of the person having responsibility for the financial affairs of the enforcement authority, and states that payment of the financial penalty was or was not received by a date specified in the certificate, is evidence of the facts stated.

**Address of the First Tier Tribunal;  
General Regulatory Chamber, HM Courts and Tribunal Service, PO BOX 9300,  
Leicester, LE18DJ  
Tel 0300 123 4504  
grc@justice.gov.uk**

Signature of authorised officer:.....

[Name]

[Date]

Further information in respect of this notice can be obtained from Monmouthshire County Trading Standards, County Hall, The Rhadyr, Usk, Monmouthshire NP15 1GA tel 01873 735420.

**You should also use this address if you wish to submit a request for a review via post.**

**Note:** Written representations will also be accepted by email to [tradingstandards@monmouthshire.gov.uk](mailto:tradingstandards@monmouthshire.gov.uk) . Please note to be considered you must ensure you receive an acknowledgement of your email.

**Notes**

**Recovery of financial penalty**

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## Monmouthshire County Council

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015  
Regulation 40

### Notice to Impose a Financial Penalty

To: **[Insert full name which identifies an individual or company at address below]**

Of: **[Address of person on whom the notice is to be served]**

The Local Authority, Monmouthshire County Council ('the Council'), **GIVE NOTICE** that the Council, is satisfied, beyond reasonable doubt that on XXXXXX you were in breach of

#### **Regulation 40(4) Registering False or Misleading information on the PRS Exemptions Register**

in respect of:

**[Address of property].**

PRS reference number: (where applicable)

The amount of a financial penalty imposed is determined by the Council, but must not be more than £1000.00

The Council hereby impose a financial penalty for the above offence of **[£ In words also please ]**.

**The penalty has been calculated by; (to be inserted where applicable, reference the relevant paragraph of the Regulations)**

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*(must be a min of 12 months)*

**Reasons for the Notice**

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**Actions/ works required**

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The works requested in the schedule of works must be complete by XXXX xxxx XXX  
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- where a review has been requested under regulation 42(1), before the enforcement authority has served notice of its decision under regulation 42(2)(c), and
- where the enforcement authority has served a notice of its decision under regulation 42(2)(c) confirming the penalty notice, before the expiry of the period within which L may appeal to the First-tier Tribunal.

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**Address of the First Tier Tribunal;  
General Regulatory Chamber, HM Courts and Tribunal Service, PO BOX 9300,  
Leicester, LE18DJ  
Tel 0300 123 4504  
grc@justice.gov.uk**

Signature of authorised officer:.....  
[Name]

[Date]

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