
Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Paragraph 5. (See end of Document for details)

SCHEDULE 3

PENALTY CHARGE NOTICES UNDER SECTION 111

- 5 (1) If after a review the penalty charge notice is confirmed by the enforcement authority, the recipient may appeal by summary application to the sheriff against the penalty charge notice.
- (2) An appeal against a penalty charge notice must be made within the period 28 days beginning with service of the notice under paragraph 4(1)(c).
- (3) But the sheriff may on cause shown hear an appeal made after the deadline set by sub-paragraph (2).
- (4) An appeal against a penalty charge notice must be on one (or both) of the following grounds—
- (a) that the recipient did not commit the breach of duty specified in the penalty charge notice, or
 - (b) that the notice was not given within the time allowed by section 111(2) or does not comply with any other requirement imposed by or under this schedule.
- (5) The sheriff must determine an appeal against a penalty charge notice by upholding or quashing the notice.
- (6) The recipient or the enforcement authority may, on point of law only, appeal to the sheriff principal against the sheriff's determination.
- (7) In this paragraph “sheriff” means the sheriff of the sheriffdom in which the house is situated.

Commencement Information

II Sch. 3 para. 5 in force at 1.12.2008 by [S.I. 2008/308](#), art. 3

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