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DRAFT STATUTORY INSTRUMENTS

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**2018 No.**

**The Domestic Renewable Heat Incentive  
Scheme (Amendment) Regulations 2018**

**Power to investigate an RI's status and withhold RHI payments**

26. After regulation 57 insert—

**“Power to investigate an RI's status and withhold RHI payments**

**57A.**—(1) Where the Authority has reasonable grounds to suspect that an RI—

- (a) became an RI pursuant to regulation 22C wholly or partly as a result of the provision of information which was incorrect in a material particular; or
- (b) has failed or is failing to comply with an ongoing obligation,

and the Authority requires time to investigate, it may withhold all or part of any RHI payments in respect of any accredited domestic plant in relation to which RI is the NRI, pending the outcome of that investigation.

(2) Within 21 days of a decision to withhold RHI payments under paragraph (1), the Authority must send a notice to the RI which—

- (a) specifies—
  - (i) the respect in which the Authority suspects the RI has failed or is failing to comply with an ongoing obligation; or
  - (ii) a description of the information suspected to be incorrect and upon which the investor registration was based; and
- (b) sets out the date from which RHI payments will be withheld and the next steps in the investigation.

(3) The Authority's investigation must be commenced and completed as soon as is reasonably practicable.

(4) Immediately upon conclusion of its investigation under this regulation, the Authority must inform the RI of—

- (a) the outcome of the investigation;
- (b) the action the Authority proposes to take under this Part, if any; and
- (c) the RI's right of review.

(5) Where the Authority concludes that there has been no material breach of an ongoing obligation or provision of incorrect information, it must resume payment of RHI payments in accordance with these Regulations and pay to the RI any RHI payments withheld during the course of its investigation.

(6) Within 6 months of sending a notice under paragraph (2), the Authority must either resume payment of RHI payments or must send the RI a notice under regulation 58, 59A or 60.”.