
STATUTORY INSTRUMENTS

2015 No. 197

**The Renewable Heat Incentive Scheme
(Amendment) Regulations 2015**

Substitution of regulation 45 (power to suspend periodic support payments where ongoing failure to comply)

24. For regulation 45 substitute—

“Power to withhold periodic support payments: further provisions

45.—(1) Where the Authority is satisfied—

- (a) that a participant is failing to comply with an ongoing obligation; or
- (b) that an accredited RHI installation has been given accreditation or a producer of biomethane has been registered as a result of the provision of information which is incorrect in a material particular,

it may withhold all or part of that participant’s periodic support payments.

(2) Within 21 days of a decision to withhold periodic support payments the Authority must send a notice to the participant specifying—

- (a) where there is a failure to comply with an ongoing obligation, the respect in which the Authority is satisfied that the participant is failing to comply;
- (b) where the accredited RHI installation was given accreditation, or the participant registered as a producer of biomethane, as a result of the provision of incorrect information, details of the respect in which the information is incorrect;
- (c) the amount of periodic support payments that the Authority intends to withhold in respect of each quarterly period;
- (d) the date from which periodic support payments will be withheld;
- (e) where applicable, the steps that the participant must take to satisfy the Authority that it is complying with the ongoing obligation;
- (f) where applicable, the steps that the participant must take to satisfy the Authority that, notwithstanding the provision of incorrect information, the accredited RHI installation should continue to be accredited, or the participant should continue to be registered;
- (g) the date by which the steps referred to in sub-paragraph (e) or (f) must be completed;
- (h) the consequences of the participant failing to take the steps referred to in sub-paragraph (e) or (f) by the date specified; and
- (i) details of the participant’s right of review.

(3) The Authority may extend the time specified in paragraph (2)(g) where it is satisfied that it is reasonable to do so.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(4) Where the Authority is satisfied that the participant has taken the steps specified in paragraph (2)(e) or (f), as applicable, within the time specified, it must resume payment of the periodic support payments.

(5) If, within 6 months of receipt by the participant of a notice sent under paragraph (2), the Authority is satisfied that the participant has taken the steps specified in that notice, the Authority may pay, within 28 days of being so satisfied, all periodic support payments withheld under this regulation.”.