
DRAFT STATUTORY INSTRUMENTS

2012 No.

**The Green Deal Framework (Disclosure,
Acknowledgment, Redress etc.) Regulations 2012**

PART 8

Enforcement

CHAPTER 3

When sanctions may be imposed

Sanctions for breaches of the consent provision

65.—(1) This regulation applies where the Secretary of State is satisfied that there is a breach of the consent provision.

(2) If the Secretary of State is satisfied that the improvement for which the necessary permission or consent should have been obtained—

- (a) has been removed from the property, the Secretary of State may impose cancellation;
- (b) has not been removed from the property, the Secretary of State must impose cancellation,

on the relevant person.

(3) Where cancellation is imposed on the relevant person, the Secretary of State—

- (a) except where sub-paragraph (b) applies, must impose compensation;
- (b) where a person other than the improver is wholly or partly responsible for the breach, may impose compensation,

on the improver.

(4) Where paragraph (3)(b) applies, imposing compensation means that the Secretary of State requires the improver to pay to the relevant person such amount (as a fixed sum or in instalments) as the Secretary of State may determine, being an amount not exceeding the sum payable under paragraph (a) of the definition of compensation in regulation 51.

Sanctions for breaches of the disclosure and acknowledgment provisions

66.—(1) This regulation applies where the Secretary of State is satisfied that there is a breach of the disclosure and acknowledgment provisions.

(2) The Secretary of State—

- (a) must impose cancellation on the relevant person; and
- (b) may impose compensation on the notifier.

(3) Where a person other than the notifier is wholly or partly responsible for the breach, imposing compensation means that the Secretary of State requires the notifier to pay to the relevant person such amount (as a fixed sum or in instalments) as the Secretary of State may determine, being an

amount not exceeding the sum payable under paragraph (a) of the definition of compensation in regulation 51.

Sanctions for breaches of the relevant requirements by green deal providers

67.—(1) This regulation applies where the Secretary of State is satisfied that there is a breach of the relevant requirements by a green deal provider and—

- (a) the breach is severe; or
 - (b) there have been other breaches of the relevant requirements by the green deal provider in respect of the property or other properties.
- (2) The Secretary of State may impose on the green deal provider one or more of—
- (a) a compliance notice;
 - (b) a financial penalty;
 - (c) withdrawal.

(3) Where the Secretary of State is satisfied that the bill payer has suffered substantive loss, the Secretary of State may, in addition to any sanction imposed under paragraph (2), impose cancellation or reduction on the relevant person.

Sanctions for breaches of the relevant requirements by green deal installers

68.—(1) This regulation applies where the Secretary of State is satisfied that there is a breach of the relevant requirements by a green deal installer and—

- (a) the breach is severe; or
 - (b) there have been other breaches of the relevant requirements by the green deal installer in respect of the property or other properties.
- (2) The Secretary of State may impose—
- (a) withdrawal on—
 - (i) the green deal provider;
 - (ii) the green deal installer;
 - (b) suspension on the green deal installer.

(3) Where the Secretary of State is satisfied that the bill payer has suffered substantive loss, the Secretary of State may, in addition to any sanction imposed under paragraph (2) impose—

- (a) cancellation or reduction on the relevant person;
- (b) on the green deal provider one or both of—
 - (i) a compliance notice;
 - (ii) a financial penalty.

Sanctions for breaches of the relevant requirements by green deal assessors and green deal certification bodies

69. Where the Secretary of State is satisfied that there is a breach of the relevant requirements by a green deal assessor or a green deal certification body the Secretary of State may impose suspension or withdrawal on, as applicable, the assessor or certification body.

Cancellation in special circumstances – failure by relevant person to take a consumer credit modifying step

70. Where the Secretary of State is satisfied there has been a failure to take a consumer credit modifying step, the Secretary of State may impose cancellation on the relevant person.

Withdrawal of authorisation from a green deal provider who is no longer a fit person to be authorised

71. Where—

- (a) the Secretary of State is satisfied that a green deal provider is no longer a fit person to be authorised; and
- (b) withdrawal has not been imposed on that provider under any other provision of this chapter,

the Secretary of State may impose withdrawal on the provider.