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DRAFT STATUTORY INSTRUMENTS

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**2014 No.**

**The Domestic Renewable Heat  
Incentive Scheme Regulations 2014**

**PART 10**

**Inspection and enforcement**

**Power to withhold RHI payments in the case of non-compliance**

**58.**—(1) Where the Authority is satisfied—

- (a) that a participant is failing to comply with an ongoing obligation; or
- (b) that an accredited domestic plant has been given accreditation wholly or partly 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 RHI payments.

(2) Within 21 days of a decision to withhold RHI 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 domestic plant was given accreditation as a result of the provision of incorrect information, details of the respect in which the information is incorrect;
- (c) the amount of RHI payments that will be withheld, to the extent this is known to the Authority;
- (d) the date from which RHI 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 domestic plant should continue to be an accredited domestic plant;
- (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 required under sub-paragraph (e) or (f) by that date; and
- (i) details of the participant's right of review.

(3) Subject to regulation 46(2)(b) and (7), 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 RHI payments in accordance with these Regulations.

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

(5) If, within 3 months of receipt by the participant of a notice served 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 RHI payments withheld under this regulation.