
STATUTORY INSTRUMENTS

2021 No. 1335

The Green Gas Support Scheme Regulations 2021

PART 6

Compliance and enforcement: participants

Power to temporarily withhold periodic support payments to investigate alleged non-compliance

29.—(1) Where the Authority has reasonable grounds to suspect that a participant—

- (a) has failed or is failing to comply with an ongoing participant obligation, or
- (b) has been registered as a result of the provision of information which was incorrect in a material particular,

and the Authority requires time to investigate, it may withhold all or part of that participant's periodic support payments pending the outcome of that investigation.

(2) Within 21 days of making a decision under paragraph (1) to withhold periodic support payments, the Authority must give a notice to the participant specifying—

- (a) the respect in which the Authority suspects the participant has failed or is failing to comply with an ongoing participant obligation, or a description of the information which the Authority suspects to be incorrect and upon which the registration was based,
- (b) the reason why periodic support payments are being withheld,
- (c) the date from which periodic support payments are being withheld,
- (d) the next steps in the investigation, and
- (e) details of the participant's right of review under regulation 62.

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

(4) The Authority may—

- (a) request such information from the participant as it reasonably requires to enable it to carry out its investigation, and
- (b) withhold a participant's periodic support payments for a maximum period of six months beginning with the date specified in the notice in accordance with paragraph (2)(c).

(5) The Authority must review its decision to withhold a participant's periodic support payments every 30 days after the date of the notice required by paragraph (2).

(6) Following a review pursuant to paragraph (5), the Authority must give a notice to the participant providing an update on—

- (a) the progress of any investigation, and
- (b) whether the Authority intends to continue to withhold periodic support payments.

(7) For the purposes of calculating the period specified in paragraph (4)(b), no account is to be taken of any period attributable to the participant's delay in providing the information requested by the Authority under paragraph (4)(a).

(8) For the purposes of paragraph (7), a participant is not to be treated as having delayed in providing information if that participant provides the information within two weeks of a request from the Authority.

(9) Subject to paragraph (11), immediately upon conclusion of its investigation under this regulation, the Authority must give a notice to the participant specifying—

- (a) the outcome of the investigation,
- (b) the action the Authority proposes to take under this Part, and
- (c) details of the participant's right of review under regulation 62.

(10) Subject to paragraph (11), where the Authority concludes that there has been no breach of an ongoing participant obligation or no provision of incorrect information, it must resume payment of periodic support payments and pay to the participant any periodic support payments withheld during the course of its investigation.

(11) Within the period specified in paragraph (4)(b), the Authority must either resume payment of periodic support payments or give a notice to the participant under one or more of the following—

- (a) regulation 30 (power to withhold periodic support payments: further provisions),
- (b) regulation 31 (power to reduce a participant's periodic support payments),
- (c) regulation 32 (revocation of registration),
- (d) regulation 33 (power to correct the level of tariff being paid to a participant),
- (e) regulation 34 (overpayment notices and offsetting).