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DRAFT STATUTORY INSTRUMENTS

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**2022 No.**

**The Boiler Upgrade Scheme (England  
and Wales) Regulations 2022**

**PART 6**

**Additional powers and functions of the Authority**

**Right of review**

**25.**—(1) Any installer, or person who has made an application as an installer, affected by a decision made by the Authority in exercise of its functions under these Regulations (other than a decision made in accordance with regulation 19, 20(1) or this regulation) may have that decision reviewed by the Authority.

(2) An application for review must be made by notice in such format as the Authority may require and must—

- (a) be received by the Authority within 28 days of the date of notification of the decision to be reviewed,
- (b) specify the decision which that person wishes to be reviewed,
- (c) specify the grounds and evidence upon which the application is made, and
- (d) be signed by or on behalf of the person making the application.

(3) A person who has made an application in accordance with paragraph (2) must provide the Authority with such information as the Authority may reasonably request in order to discharge its functions under this regulation, provided any information requested is in that person's possession.

(4) A review under this regulation may not be carried out by any person who was involved in the decision which is being reviewed.

(5) On review the Authority may—

- (a) revoke or vary its decision,
- (b) confirm its decision,
- (c) vary any sanction it has imposed (including modifying any date specified for the purposes of regulation 22(3)(d)), or
- (d) replace any sanction it has imposed with one or more alternative sanctions.

(6) Within 21 days of the Authority's decision on a review, it must send a notice to the installer or former installer (as the case may be), and to any other person who is in the Authority's opinion affected by its decision, setting out its decision with reasons.

(7) Where an application is made under paragraph (1) for a decision to be reviewed, that decision will be suspended until a decision is made under paragraph (5).

### **Reliance on information provided to the Authority**

- 26.**—(1) When exercising any functions under these Regulations, the Authority may—
- (a) treat any information or confirmation provided to it—
    - (i) by an installer in support of a grant application or a redemption application,
    - (ii) by a property owner or any other person in relation to a grant application or a redemption application,
 as conclusive as to the matters to which they relate, unless the Authority has reason to believe that any such information or confirmation is not accurate,
  - (b) verify any information provided by an installer against any information on the register required to be maintained under regulation 27(1) of the EPB Regulations, the Microgeneration Installation Database or an approved register, and any other information available to the Authority,
  - (c) treat inclusion of a plant on the Microgeneration Installation Database or an approved register as evidence that the plant has been certified on the basis that the plant is installed in accordance with a relevant installation standard, and
  - (d) treat any information about a plant on the Microgeneration Installation Database or an approved register as conclusive as to the matters to which it relates.
- (2) For the purposes of this regulation—
- (a) “Microgeneration Installation Database” means the database of installations maintained by the Microgeneration Certification Scheme,
  - (b) the Secretary of State—
    - (i) may approve one or more registers for the purposes of paragraph (1)(b), (c) and (d),
    - (ii) must publish the details of any register which is approved, and the date from which it is approved, and
    - (iii) where any register ceases to be approved, must publish that fact together with the date on which it ceased to be approved,
 and “approved register” means a register which is approved by the Secretary of State in accordance with sub-paragraph (b)(i).

### **The Authority’s power to disclose information**

**27.**—(1) The Authority may disclose relevant information to another person for the purpose of facilitating the exercise by the Authority of any function it has under or by virtue of these Regulations.

(2) This regulation does not limit the circumstances in which information may otherwise lawfully be disclosed by the Authority under any other enactment or rule of law.

(3) For the purposes of this regulation, “relevant information” means information provided in accordance with these Regulations by a person who makes a grant application or a person who owns a property which is the subject of a grant application.

### **Duty to maintain register**

- 28.** The Authority must maintain a register of—
- (a) grant applications,
  - (b) redemption applications,
  - (c) issued boiler upgrade vouchers,

(d) redeemed boiler upgrade vouchers.

and must ensure, so far as practicable, that entries in the register are accurate and up to date.

### **Publication of guidance**

**29.** The Authority must publish procedural guidance to installers in connection with the administration of the Scheme.

### **Reporting obligations**

**30.—**(1) The Authority must provide monthly reports to the Secretary of State, in such manner and form as the Secretary of State may request, containing the following information—

- (a) in relation to each boiler upgrade grant which was paid during the period covered by the report—
  - (i) the information provided to the Authority in support of the related grant application in accordance with regulation 14(3)(a), and
  - (ii) the information provided to the Authority in support of the related redemption application in accordance with regulation 16(3)(a), and
- (b) such other information as the Authority holds and the Secretary of State may require in relation to grant applications and issued boiler upgrade vouchers.

(2) Each monthly report must cover a calendar month, and must be provided to the Secretary of State within seven working days of the end of that month.

(3) The Authority must provide the following reports to the Secretary of State, in such manner and form as the Secretary of State may request, containing the information specified in paragraph (1) (a) and (b) in aggregate form—

- (a) a report, provided by 31st August 2022, for the period beginning with the commencement date and ending with 31st July 2022,
- (b) quarterly reports in accordance with paragraph (4),
- (c) annual reports, for each relevant financial year, by 31st July following the end of each relevant financial year.

(4) The quarterly reports must cover a three month period beginning with 1st August, 1st November, 1st February or 1st May, with the first beginning with 1st August 2022 and the last beginning with 1st February 2025, and be provided by no later than one month after the end of the relevant three month period.

(5) The Authority must publish each quarterly and annual report by no later than the date on which it is provided to the Secretary of State.

(6) Any information which includes personal data (within the meaning of section 3(2) of the Data Protection Act 2018(1)) relating to the owner of a property, and which is required to be, reported or published by or under this regulation, must be reported or published (as the case may be) in anonymised form.

(7) For the purposes of paragraph (7), “anonymised form” means that the data is in a form calculated to prevent the data from being identified as relating to a particular person or property.

### **Additional information to be provided to the Secretary of State**

**31.—**(1) On request by the Secretary of State, the Authority must provide to the Secretary of State in such manner and form and by such date as the Secretary of State may request such additional

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(1) 2018 c. 12.

information as the Authority may hold in relation to the performance of its functions under these Regulations.

(2) For the avoidance of doubt, the information which the Secretary of State may request under paragraph (1) includes personal data (within the meaning of section 3(2) of the Data Protection Act 2018(2)), that would otherwise be anonymised under regulation 30(6).

### **Provision of information to the Authority**

**32.**—(1) This regulation applies where—

- (a) the Authority requests information from—
  - (i) an installer,
  - (ii) a person who has made an application as an installer, or
  - (iii) an owner,
- (b) an installer, a person who has made an application as an installer, or an owner is required to provide information or confirmation to the Authority under these Regulations.

(2) The information or confirmation must be provided within such time and in such manner and form as the Authority may reasonably request and must be accurate to the best knowledge and belief of the person required to provide it.

(3) The costs of providing the information are to be borne, where applicable, by—

- (a) the installer,
- (b) the person who has made an application as an installer, or
- (c) the owner, where paragraph (1)(a)(iii) applies.

### **Notices**

**33.**—(1) Any notice or notification required to be given or issued under these Regulations must be in writing and may be sent by electronic means, including by sending it to an email address provided by the addressee for the purposes of these Regulations.

(2) Any such notice or notification required to be given to or issued to or served on an installer or the owner of a property (“P”) may be given by—

- (a) delivering or sending it to, or leaving it at—
  - (i) P’s registered office, P’s principal place of activity, or P’s home address (as applicable), or
  - (ii) another address provided by P for the purposes of these Regulations, or
- (b) electronic means, including by sending it to an email address provided by P for the purposes of these Regulations.