
DRAFT STATUTORY INSTRUMENTS

2010 No.

The CRC Energy Efficiency Scheme Order 2010

PART 13

Enforcement

Powers of the administrator in respect of enforcement

88. The powers of enforcement in this Part may be exercised where the administrator reasonably believes that there has been a failure (except in respect of this article) to comply with a provision of this Order.

Authorised persons

89.—(1) The administrator may—

- (a) exercise the powers of entry and inspection in Schedule 9 and authorise in writing such persons (“authorised persons”) who appear suitable to act on its behalf to do so;
- (b) make such authorisation subject to any limitations or conditions as the administrator sees fit.

(2) Paragraph (3) applies in respect of—

- (a) any of the bodies which comprise the administrator; and
- (b) a person authorised by such a body to exercise any of the functions of that body otherwise than under this Order.

(3) Where this paragraph applies, a person referred to in paragraph (2)(b) is an authorised person for the purposes of paragraph (1)(a) in respect of that body unless the administrator provides otherwise.

Notices to provide information: compliance with articles 58 and 59

90. The administrator may, by a written notice served on a participant, require that participant—

- (a) to furnish information in relation to a failure or suspected failure to comply with article 58 or 59; and
- (b) to do so in the form specified in the notice and within such period following service of the notice or at such time as is specified in the notice.

Enforcement notices

91.—(1) The administrator may serve an enforcement notice on any person who fails to comply with a provision of this Order.

(2) An enforcement notice must be in writing and specify—

- (a) the provision of this Order in respect of which there has been a failure;

- (b) the matters constituting the failure;
 - (c) the steps that must be taken to remedy the failure; and
 - (d) the period within which those steps must be taken.
- (3) An enforcement notice may be withdrawn at any time.
- (4) If a person fails to comply with an enforcement notice, the administrator—
- (a) may do what that person was required to do; and
 - (b) may recover from an applicant or participant served with a notice the costs of doing so.