
DRAFT STATUTORY INSTRUMENTS

2014 No.

The Domestic Renewable Heat
Incentive Scheme Regulations 2014

PART 10

Inspection and enforcement

Overpayment notices and offsetting

60.—(1) The Authority may take one of the steps set out in paragraph (2) where the Authority is satisfied that a participant or former participant has received RHI payments (“overpayments”) which—

- (a) exceed the amount to which that person was entitled under these Regulations;
- (b) were paid whilst there was a failure by that person to comply with an ongoing obligation or following such a failure; or
- (c) were paid for an accredited domestic plant which was given accreditation wholly or partly as a result of the provision of information which was incorrect in a material particular.

(2) The steps set out in this paragraph are—

- (a) requiring a participant or former participant who has received overpayments to repay a specified sum in relation to some or all of those overpayments; or
- (b) offsetting a specified sum in relation to some or all of those overpayments against future RHI payments.

(3) Within 21 days of a decision to take action under paragraph (1) the Authority must send the participant or former participant who has received any overpayments a notice specifying—

- (a) the value of any RHI payments which the Authority believes are overpayments;
- (b) the specified sum which the Authority is seeking to recover;
- (c) whether the specified sum must be repaid or will be offset;
- (d) where applicable, the date by which the specified sum must be repaid; and
- (e) the participant’s or former participant’s right of review.

(4) Where a participant or former participant who is required to repay a specified sum under this regulation fails to make payment in full by the date specified under paragraph (3)(d), the Authority may recover any outstanding sum as a civil debt.

(5) The Authority must not require a participant or former participant to repay, or offset, a specified sum which exceeds any overpayments received by that person.