
DRAFT STATUTORY INSTRUMENTS

2017 No.

**The Domestic Renewable Heat Incentive
Scheme (Amendment) Regulations 2017**

Insertion of regulation 54A (power to withhold MM payments in the case of non-compliance)

17. After regulation 54 insert—

“Power to withhold MM payments in the case of non-compliance

54A.—(1) The Authority may withhold all or part of a participant’s MM payments, if the Authority has reasonable grounds to suspect—

- (a) that the metering and monitoring agreement no longer meets the requirements specified in Schedule 7;
- (b) that the metering and monitoring agreement is no longer in force or that its terms are not being complied with;
- (c) that a condition of registration has not been or is not being complied with; or
- (d) that registration was given wholly or partly as a result of the provision of information which is incorrect in a material particular and that, if the correct information had been provided, registration would not have been given.

(2) Within 21 days of a decision to withhold any MM payments, the Authority must send a notice to the participant specifying—

- (a) which of the grounds in paragraph (1)(a) to (d) apply and the reasons for the Authority’s decision;
- (b) the amount of MM payments that will be withheld, to the extent this is known to the Authority;
- (c) the date from which the MM payments will be withheld;
- (d) where applicable, the steps that the participant must take to satisfy the Authority that the MM payments should no longer be withheld;
- (e) the date by which the steps in sub-paragraph (d) must be completed;
- (f) the consequences of the participant failing to take the steps required under sub-paragraph (d) by that date; and
- (g) details of the participant’s right of review.

(3) The Authority may extend the date specified in paragraph (2)(e) where it is satisfied that it is reasonable to do so.

(4) Where the Authority is satisfied that the participant has taken the steps, if any, specified in a notice served under paragraph (2)—

- (a) by the date specified in that notice, the Authority must resume payment of the MM payments in accordance with these Regulations; and

- (b) within 3 months of receipt of that notice, the Authority may pay to the participant, within 28 days of being so satisfied, all MM payments withheld under this regulation.”.