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DRAFT STATUTORY INSTRUMENTS

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**2018 No.**

**The Renewable Heat Incentive Scheme Regulations 2018**

**PART 9**

**Enforcement**

**Overpayment notices and offsetting**

**83.**—(1) Where the Authority is satisfied that a participant or former participant has received periodic support payments which—

- (a) exceed that participant's entitlement;
- (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 as a result of the provision of information which was incorrect in a material particular,

it may take one of the actions set out in paragraph (2).

(2) The actions in this paragraph are that the Authority may—

- (a) require a participant or former participant who has received periodic support payments to which paragraph (1) applies, to repay a specified sum in relation to some or all of those payments; or
- (b) offset a specified sum in relation to some or all of those payments against future periodic support payments.

(3) Before taking either of the actions set out in paragraph (2), the Authority must send the participant or former participant a notice specifying—

- (a) the sum it is seeking to recover;
- (b) the basis on which that sum is calculated;
- (c) whether the specified sum must be repaid or will be offset;
- (d) where applicable, the date by which the sum must be repaid;
- (e) where applicable, the amount which will be offset in each quarterly period and the time it will take for the sum to be recovered; and
- (f) details of 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 or regulation 74(3)(b) 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.