
STATUTORY INSTRUMENTS

2012 No. 2782

The Feed-in Tariffs Order 2012

PART 7

Administrative functions of the Authority

[^{F1}Notices to reduce, withhold or recoup generation payments for the purposes of Part 8A

35ZA.—(1) Where the Authority has good reason to believe that a FIT generator or nominated recipient may have received a generation payment to which it was not entitled by virtue of articles 38C or 38E, the Authority may give notice to the FIT licensee which made the payment to—

- (a) reduce further generation payments due to be made to the FIT generator or nominated recipient until any amount overpaid has been recovered in full;
- (b) withhold further generation payments due to be made to the FIT generator or nominated recipient until any amount overpaid has been recovered in full;
- (c) recoup, in full, any amount overpaid from the FIT generator or nominated recipient.

(2) Where the Authority has good reason to believe that a FIT generator or nominated recipient may have received a generation payment to which it was not entitled by virtue of articles 38D(3), 38F(3), 38G(5) or 38H(3) the Authority may, if it considers it appropriate to do so in the circumstances, give notice to the FIT licensee which made the payment to—

- (a) reduce further generation payments due to be made to the FIT generator or nominated recipient until any amount overpaid has been recovered in full or in part;
- (b) withhold further generation payments due to be made to the FIT generator or nominated recipient until any amount overpaid has been recovered in full or in part;
- (c) recoup, in full or in part, any amount overpaid from the FIT generator or nominated recipient.

(3) At the same time as the Authority gives notice to the FIT licensee under paragraph (1) or (2), the Authority must give notice to the FIT generator or nominated recipient—

- (a) stating the reasons why payments are being reduced, withheld or recouped; and
- (b) providing the FIT generator or nominated recipient with a right to make representations or objections to the Authority within a reasonable time limit specified by the Authority.

(4) On receiving representations or objections from a FIT generator or nominated recipient, the Authority must take those representations and objections into account when determining, for the purpose of paragraph (5), whether the FIT generator or nominated recipient was entitled to receive the generation payment.

(5) Where, having issued a notice under paragraph (1) or (2), the Authority subsequently establishes that the FIT generator or nominated recipient was entitled to receive the generation payment, the Authority must give notice to the FIT licensee that—

- (a) the amount of any generation payment which was reduced, withheld or recouped should be paid to the FIT generator or nominated recipient as soon as possible; and

Changes to legislation: There are currently no known outstanding effects for the
The Feed-in Tariffs Order 2012, Section 35ZA. (See end of Document for details)

- (b) where generation payments have been withheld, generation payments to the FIT generator or nominated recipient should recommence.]

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Textual Amendments

F1 Art. 35ZA inserted (20.3.2017) by [The Feed-in Tariffs \(Amendment\) Order 2017 \(S.I. 2017/131\)](#), arts. 1, 7

Changes to legislation:

There are currently no known outstanding effects for the The Feed-in Tariffs Order 2012, Section 35ZA.