
STATUTORY INSTRUMENTS

2014 No. 1643

The Energy Savings Opportunity Scheme Regulations 2014

PART 7

Compliance and Enforcement

CHAPTER 1

Monitoring compliance

Compliance notices

35.—(1) A compliance body may serve a notice on a responsible undertaking requesting such information as it considers necessary to enable it to monitor compliance with these Regulations (a “compliance notice”).

(2) A compliance notice must—

- (a) be in writing,
- (b) be served on the person to whom it is addressed,
- (c) specify the date by which compliance with it is required.

(3) A compliance notice may be varied or revoked in writing at any time by the compliance body that issued it.

(4) Where a responsible undertaking—

- (a) fails to comply with a compliance notice, or
- (b) in the opinion of the compliance body, supplies incomplete or inaccurate information,

the compliance body may instead determine the information requested.

(5) A determination under paragraph (4) must be made in writing and include information about appeals under Part 9 of these Regulations and, within 10 days of making the determination, be served on the responsible undertaking.

Inspection

36.—(1) A compliance body may inspect any premises, and any thing in or on those premises, in order to monitor compliance with these Regulations.

(2) Reasonable prior notice must be given before exercising the power in paragraph (1).

(3) A compliance body may authorise in writing such persons (“authorised persons”) who appear suitable to exercise the compliance body’s powers of inspection under this regulation.

(4) An authorised person must, when inspecting premises, produce a copy of the written authorisation referred to in paragraph (3) on request.

(5) A person in control of the premises to which the compliance body or authorised person requires access—

- (a) must allow the authorised person to have access to those premises, and

- (b) where the premises are an offshore installation, must afford the compliance body or authorised person such facilities and assistance, including the provision of transport, accommodation and other subsistence, as necessary and reasonably practicable.
- (6) A compliance body or an authorised person may, when inspecting premises—
 - (a) require the production of any record,
 - (b) take measurements, photographs, recordings or copies of any thing,
 - (c) require any person at the premises to provide facilities and assistance to the extent that is within that person’s control.

Other information

37.—(1) A responsible undertaking must notify the scheme administrator if it becomes aware that it is in breach of any requirement of these Regulations.

- (2) A compliance body may take into account any information—
 - (a) provided to it in accordance with paragraph (1), or
 - (b) held by it, or provided to it, by virtue of any other provision in these Regulations or any other legislative provision,

in determining whether a responsible undertaking has complied with these Regulations.

CHAPTER 2

Enforcement

Enforcement notices

38.—(1) In any case where the relevant compliance body reasonably believes that a responsible undertaking has failed to comply with a requirement of these Regulations, that compliance body may serve a notice on that responsible undertaking in accordance with this regulation (an “enforcement notice”).

- (2) An enforcement notice must—
 - (a) be in writing,
 - (b) be served on the person to whom it is addressed,
 - (c) specify—
 - (i) the provision of these Regulations which the compliance body believes has been breached,
 - (ii) the matters constituting the breach,
 - (iii) the steps that must be taken to remedy the breach,
 - (iv) the date by which those steps must be taken, and
 - (d) include information about appeals under Part 9.

(3) An enforcement notice may be varied or revoked in writing at any time by the compliance body that issued it.