

SCHEDULE 1

[^{F2}Regulations 3, 4 and 6]

[^{F1}Analysis] of cost effectiveness and technical feasibility

Textual Amendments

- F1** Word in Sch. 1 heading substituted (27.11.2020) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), **14(2)**
- F2** Words in Sch. 1 substituted (27.11.2020) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), **14(3)**

1.—(1) Where sub-paragraph (2) applies it will be considered cost effective for the purposes of regulations 4(6) and 6(4) for the heat supplier to install meters in a building in accordance with regulations 4(3) to (4) and 6(2).

(2) This sub-paragraph applies where the net present value of projected energy savings to all the final customers in the building supplied with heating[^{F3},]cooling or hot water by the heat supplier, over the 10 year period subsequent to installation, is greater than the net present value of the estimated reasonable costs of installing the meters in that building.

Textual Amendments

- F3** Comma in Sch. 1 para. 1(2) inserted (27.11.2020) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), **14(4)**

2. The matters to be taken into account in estimating the costs of installation are the capital, installation, operation and maintenance costs of the meters, taking into account—

- (a) the building type, age and number of individual private dwellings or non-domestic premises in the building;
- (b) the number of storeys in the building;
- (c) the geographical location of the building;
- (d) in the case of a building not containing private dwellings, the type of use of the building;
- (e) whether the costs could be reduced if another building supplied from the same district heat network is also to have meters installed in accordance with these regulations;
- (f) any costs of access to private dwelling or non-domestic premises including legal costs;
- (g) any costs of access to or isolation of pipework;
- (h) any costs of repair to decoration or building fabric as a consequence of the installation;
- (i) any costs of installation of temperature control devices;
- (j) the cost of equipment and software to collect data from the meters to be used for billing;
- (k) the cost of issuing bills and billing information; and
- (l) the cost of re-calibrating the meters periodically to ensure accuracy of performance.

3. The projected energy savings over the 10 year period subsequent to installation for the purpose of paragraph 1 is—

- (a) 20% of the [^{F4}heat or cooling demand] in the case of a building consisting mainly of private dwellings, except for the one year period subsequent to installation when the projected value to be applied is 10% of the [^{F4}heat or cooling demand]; and

Changes to legislation: There are currently no known outstanding effects for the The Heat Network (Metering and Billing) Regulations 2014. (See end of Document for details)

- (b) 10% of the [^{F4}heat or cooling demand] in the case of any other building except for the one year period subsequent to installation where the projected value to be applied is 5% of the [^{F4}heat or cooling demand].

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Textual Amendments

F4 Words in Sch. 1 para. 3 substituted (27.11.2020) by The Heat Network (Metering and Billing) (Amendment) Regulations 2020 (S.I. 2020/1221), regs. 1(2), **14(5)**

4. It will be considered technically feasible to install meters in a building consisting mainly of private dwellings unless—

- (a) there is more than one entry point for the pipes of the district heat network or communal heating into each private dwelling within that building or the entry point for the pipes is unknown; or

^{F5}(b)

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Textual Amendments

F5 Sch. 1 para. 4(b) omitted (27.11.2020) by virtue of The Heat Network (Metering and Billing) (Amendment) Regulations 2020 (S.I. 2020/1221), regs. 1(2), **14(6)**

5. It will be considered technically feasible to install meters in a building not consisting mainly of private dwellings unless—

^{F6}(a)

- (b) there is more than one entry point for the pipes of the district heat network heating or communal heating into each private dwelling or non-domestic premises in a building or the entry point of the pipes is unknown; or

^{F7}(c)

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Textual Amendments

F6 Sch. 1 para. 5(a) omitted (27.11.2020) by virtue of The Heat Network (Metering and Billing) (Amendment) Regulations 2020 (S.I. 2020/1221), regs. 1(2), **14(7)**

F7 Sch. 1 para. 5(c) omitted (27.11.2020) by virtue of The Heat Network (Metering and Billing) (Amendment) Regulations 2020 (S.I. 2020/1221), regs. 1(2), **14(7)**

6.—(1) Where sub-paragraph (2) applies it will be considered cost effective for the purpose of regulation 6(4) to install heat cost allocators and thermostatic radiator valves in accordance with regulation 6(2).

(2) This [^{F8}sub-paragraph] applies where the net present value of the projected energy savings to the final customers in the building over the 10 year period subsequent to installation is greater than the net present value of the estimated reasonable costs of installing [^{F9}hot water meters in the building and] a heat cost allocator and thermostatic radiator valve for every radiator in that building.

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Textual Amendments

F8 Word in Sch. 1 para. 6(2) substituted (27.11.2020) by The Heat Network (Metering and Billing) (Amendment) Regulations 2020 (S.I. 2020/1221), regs. 1(2), **14(8)(a)**

F9 Words in Sch. 1 para. 6(2) inserted (27.11.2020) by The Heat Network (Metering and Billing) (Amendment) Regulations 2020 (S.I. 2020/1221), regs. 1(2), **14(8)(b)**

7. The matters to be taken into account in estimating the costs of installation of heat cost allocators and thermostatic radiator valves are the capital, installation, operation and maintenance costs of the heat cost allocators and thermostatic radiator valves taking into account—

- (a) any cost of access to private dwelling or non-domestic premises including legal costs;
- (b) the cost of equipment and software to collect data from the heat cost allocators to be used for billing;
- (c) the cost of re-calibrating the heat cost allocators periodically to ensure accuracy of performance; ^{F10} ...
- (d) the cost of issuing bills and billing information;
- ^{F11}(e) the matters mentioned in paragraph 2(a) to (d); and
- (f) whether the costs could be reduced if another building supplied from the same district heat network is also to have heat cost allocators and thermostatic radiator valves installed in accordance with regulation 6(2).]

Textual Amendments

F10 Word in Sch. 1 para. 7(c) omitted (27.11.2020) by virtue of The Heat Network (Metering and Billing) (Amendment) Regulations 2020 (S.I. 2020/1221), regs. 1(2), **14(9)(a)**

F11 Sch. 1 para. 7(e)(f) inserted (27.11.2020) by The Heat Network (Metering and Billing) (Amendment) Regulations 2020 (S.I. 2020/1221), regs. 1(2), **14(9)(b)**

8. The projected energy savings over the 10 year period subsequent to installation for the purpose of paragraph 6 is—

- (a) 20% of the [^{F12}heat or cooling demand] in the case of a building consisting mainly of private dwellings, except for the one year period subsequent to installation when the projected value to be applied is 10% of the [^{F12}heat or cooling demand]; and
- (b) 10% of the [^{F12}heat or cooling demand] in the case of any other building except for the one year period subsequent to installation when the projected value to be applied is 5% of the [^{F12}heat or cooling demand].

Textual Amendments

F12 Words in Sch. 1 para. 8 substituted (27.11.2020) by The Heat Network (Metering and Billing) (Amendment) Regulations 2020 (S.I. 2020/1221), regs. 1(2), **14(10)**

9. For the purpose of this Schedule, the one year period and 10 year period subsequent to installation begin the day after completion of the installation of—

- (a) all the meters [^{F13}and temperature control devices] in a building, or
- (b) all the heat cost allocators, thermostatic radiator valves and hot water meters in a building.

Textual Amendments

F13 Words in Sch. 1 para. 9(a) inserted (27.11.2020) by The Heat Network (Metering and Billing) (Amendment) Regulations 2020 (S.I. 2020/1221), regs. 1(2), **14(11)**

Changes to legislation: There are currently no known outstanding effects for the The Heat Network (Metering and Billing) Regulations 2014. (See end of Document for details)

[^{F14}10. In this Schedule, “heat or cooling demand” for a building means the actual heat or cooling consumption for the building or an estimated heat or cooling demand for the building calculated using industry standard methodologies and assumptions for calculating heat demand, taking into account—

- (a) the construction, fabric, ventilation and age of the building;
- (b) the number of individual private dwellings or non-domestic premises in the building;
- (c) the number of storeys in the building;
- (d) the geographical location of the building;
- (e) the type of use of the building;
- (f) heat and cooling plant and system efficiency.]

Textual Amendments

F14 Sch. 1 para. 10 substituted (27.11.2020) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), **14(12)**

11. A real discount rate of [^{F15}3.5%] is to be applied to calculate net present value under this Schedule.

Textual Amendments

F15 Word in [Sch. 1 para. 11](#) substituted (27.11.2020) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), **14(13)**

SCHEDULE 2

Regulations 2, 9(1) and (3)

Minimum requirements for billing and billing information

Modifications etc. (not altering text)

- C1** [Sch. 2](#) applied (with modifications) (1.11.2022) by [The Energy Bill Relief Scheme Pass-through Requirement \(Heat Suppliers\) \(England and Wales and Scotland\) Regulations 2022 \(S.I. 2022/1101\)](#), regs. 1(2), **7(4)**
- C2** [Sch. 2](#) applied (with modifications) (5.11.2022) by [The Energy Bill Relief Scheme Pass-through Requirement \(Heat Suppliers\) \(Northern Ireland\) Regulations 2022 \(S.I. 2022/1124\)](#), regs. 1(2), **7(1)(4)**

1. At least once a year a bill must be issued to the final customer on the basis of actual rather than estimated consumption provided that—

- (a) the final customer has provided a meter reading, or
- (b) the heat supplier has taken a meter reading.

2. Where the final customer has opted to receive electronic billing or where the final customer so requests, billing information must be issued by the heat supplier at least quarterly.

3. Where billing information is not issued by the heat supplier at least quarterly in accordance with paragraph (2), billing information must be issued by the heat supplier at least twice a year and with every bill issued.

4. Billing information means the following information—
- (a) current energy prices charged to the final customer by the heat supplier;
 - (b) information about the final customer's energy consumption from the heat supplier;
 - (c) where available, comparisons of the final customer's current energy consumption from the heat supplier with consumption for the same period in the previous year, if possible displayed in a graph; and
 - (d) contact information, including website addresses, for organisations from which information may be obtained on available energy efficiency improvement measures and technical specifications for products which use energy.
5. The information specified in sub-paragraph 4(d) must also be supplied to the final customer by the heat supplier when—
- (a) a contract for the supply of heating, cooling or hot water is sent to the final customer by the heat supplier, or
 - (b) any changes to such a contract are sent to the final customer by the heat supplier.
- [^{F16}6. It will be considered technically possible and economically justified to issue bills and billing information to final customers in accordance with regulation 9(1) where the estimated reasonable costs of issuing bills and billing information to final customers does not exceed £92 per final customer per calendar year unless the final customer occupies—
- (a) supported housing, almshouse accommodation or purpose-built student accommodation; or
 - (b) any private dwelling or non-domestic premises that is subject to a leasehold interest where the lease—
 - (i) began before 27th November 2020; and
 - (ii) contains a provision which would prevent billing based on actual consumption unless the lease is varied, renewed, or comes to an end.]

Textual Amendments

F16 Sch. 2 para. 6 substituted (27.11.2020) by [The Heat Network \(Metering and Billing\) \(Amendment\) Regulations 2020 \(S.I. 2020/1221\)](#), regs. 1(2), 15

7. The matters to be taken into account in estimating the cost of issuing bills and billing information are the costs of—
- (a) collecting, storing and processing meter readings;
 - (b) preparation and issuing of the bill and billing information;
 - (c) processing of payments; and
 - (d) issuing of demands for payment if a bill is not paid.

SCHEDULE 3

Regulation 10(3)

Powers of entry and warrants

Power to enter premises

1.—(1) An authorised person may, with the consent of the occupier, enter premises, except any premises used wholly or mainly as a private dwelling, at any reasonable hour for the purpose of enforcing these Regulations.

(2) An authorised person must, if requested to do so, produce a duly authenticated authorisation document.

(3) An authorised person may—

- (a) be accompanied by such other persons as the authorised person considers necessary, and
- (b) bring on to the premises such equipment as the authorised person considers necessary.

Power to inspect, seize and detain products etc.

2.—(1) An authorised person may—

- (a) in order to ascertain if there has been a breach of these Regulations, inspect any meter, heat cost allocator, record, document or information;
- (b) in order to ascertain if there has been a breach of these Regulations require any person carrying on as or employed by a heat supplier to produce any meter, heat cost allocator, record, document or information and take copies of—
 - (i) any document or record; or
 - (ii) any entry in any document or record;
- (c) in order to ascertain by testing or otherwise if there has been a breach of these Regulations and reasonably suspecting such breach, seize and detain any meter, heat cost allocator, record, document or information;
- (d) seize and detain any meter, heat cost allocator, record, document or information which may be required as evidence in any proceedings under these Regulations.

(2) An authorised person may require information stored electronically to be made available in printed form.

(3) An authorised person entering any premises whether under a power of entry under paragraph 1 or under a warrant under paragraph 3 must, if the occupier is present, give to the occupier or, if the occupier is absent, leave in a prominent place a notice—

- (a) summarising the authorised person's powers of seizure and detention of meters, heat cost allocators, records, documents and information;
- (b) disclosing at which office of the authorised person and within which hours a copy of these Regulations is available to be consulted.

(4) An authorised person entering any premises which are unoccupied or from which the occupier is temporarily absent must leave them as effectively secured against unauthorised entry as they were before entry.

(5) An authorised person exercising any power of seizure and detention must—

- (a) give to the person against whom the power has been exercised a written notice stating what has been seized and detained;

- (b) detain those things only for as long as is necessary for the authorised person to ascertain whether a breach of these Regulations has occurred and if required present the evidence at court.

Warrants

3.—(1) A justice of the peace may by signed warrant permit an authorised person or any other person to enter any premises in the exercise of the powers and duties under these Regulations, if necessary by reasonable force, if the justice in England and Wales on sworn information in writing, in Northern Ireland on a complaint on oath, or in Scotland by evidence on oath is satisfied—

- (a) that there are reasonable grounds to enter those premises for the purposes of enforcing these Regulations; and
 - (b) that any of the conditions in paragraph 4 is met.
- (2) Reference to a justice of the peace—
- (a) in Scotland includes a sheriff;
 - (b) in Northern Ireland is a reference to a lay magistrate.

Conditions for warrants

4. The conditions are—
- (a) entry to the premises has been, or is likely to be, refused and notice of the intention to apply for a warrant has been given to the occupier;
 - (b) asking for admission to the premises, or giving such a notice, would defeat the object of the entry;
 - (c) entry is required urgently;
 - (d) the premises are unoccupied or the occupier is temporarily absent.

Duration of warrant

5. A warrant under paragraph 3 is valid for one month.

SCHEDULE 4

Regulation 10(3)

Civil sanctions

Modifications etc. (not altering text)

- C3 Sch. 4 applied (with modifications) (1.11.2022) by [The Energy Bill Relief Scheme Pass-through Requirement \(Heat Suppliers\) \(England and Wales and Scotland\) Regulations 2022 \(S.I. 2022/1101\)](#), regs. 1(2), **10** (as amended (7.12.2022) by [S.I. 2022/1280](#), **reg. 8**)
- C4 Sch. 4 applied (with modifications) (7.12.2022) by [The Energy Bill Relief Scheme Pass-through Requirement \(Heat Suppliers\) \(England and Wales and Scotland\) Regulations 2022 \(S.I. 2022/1101\)](#), **reg. 12** (as inserted by [S.I. 2022/1280](#), regs. 1(2), **9**)
- C5 Sch. 4 applied (with modifications) (7.12.2022) by [The Energy Bill Relief Scheme Pass-through Requirement \(Heat Suppliers\) \(Northern Ireland\) Regulations 2022 \(S.I. 2022/1124\)](#), **reg. 11** (as inserted by [S.I. 2022/1280](#), regs. 1(2), **16**)
- C6 Sch. 4 applied (with modifications) (E.W.S.) (26.4.2023) by [The Energy Bills Discount Scheme Regulations 2023 \(S.I. 2023/453\)](#), regs. 1(1), 73, **Sch. 1** (with regs. 3, 4, 66)

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| C7 | Sch. 4 applied (with modifications) (N.I.) (26.4.2023) by The Energy Bills Discount Scheme (Northern Ireland) Regulations 2023 (S.I. 2023/454), regs. 1(1), 78, Sch. 1 (with regs. 3, 4, 71) |
| C8 | Sch. 4 applied (with modifications) (E.W.S.) (26.4.2023) by The Energy Bills Discount Scheme Pass-through Requirement (Heat Suppliers) Regulations 2023 (S.I. 2023/455), regs. 1(2), 10 |

PART 1

Power to impose civil sanctions

Authorised person

1. An authorised person may impose a requirement upon a person to comply with a compliance notice, an enforcement undertaking or to pay a non-compliance penalty (a “civil sanction”) as set out in this Schedule.

PART 2

Compliance notices

Imposition of a compliance notice

2.—(1) This paragraph applies where an authorised person is satisfied beyond reasonable doubt that a person has committed an offence under regulation 11(1).

(2) The authorised person may by notice (“a compliance notice”) impose on that person a requirement to take such steps as the authorised person may specify, within such period as it may specify, to secure that the offence does not continue or recur.

(3) A compliance notice may not be imposed on more than one occasion in relation to the same act or omission.

Notice of intent

3.—(1) Where an authorised person proposes to impose a compliance notice on a person under paragraph (2), it must serve on that person a notice of what is proposed (a “notice of intent”).

(2) The notice of intent must include—

(a) the grounds for the proposed compliance notice;

(b) the requirements of the notice;

(c) information as to—

(i) the right to make representations and objections within 28 days beginning with the day on which the notice of intent was received;

(ii) the circumstances in which the authorised person may not impose the notice.

Making representations and objections

4. A person on whom a notice of intent is served may within 28 days beginning with the day on which the notice was received make written representations and objections to the authorised person in relation to the proposed imposition of a compliance notice.

Compliance notice

5.—(1) After the end of the period for making representations and objections, the authorised person must decide whether to impose the requirements set out in the notice of intent, with or without modifications.

(2) Where the authorised person decides to impose a requirement, the compliance notice must comply with paragraph 6.

Contents of compliance notice

6. A compliance notice must include information as to—

- (a) the grounds for imposing the notice;
- (b) what compliance is required and the period within which it must be completed;
- (c) rights of appeal; and
- (d) the consequences of failing to comply with the notice.

Appeals against a compliance notice

7.—(1) The person on whom the compliance notice is imposed may appeal against it.

(2) The grounds for appeal are—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the nature of the requirement is unreasonable;
- (d) that the decision was unreasonable for any other reason;
- (e) that the decision was wrong for any other reason.

Criminal proceedings

8.—(1) If a compliance notice is imposed on any person, that person may not at any time be convicted of the offence under regulation 11(1) in respect of the act or omission giving rise to the compliance notice except in a case to which sub-paragraph (2) applies.

(2) This sub-paragraph applies to a case where in relation to an offence under regulation 11(1)—

- (a) a non-compliance penalty has been imposed on a person under paragraph 14(1), and
- (b) the person fails to pay the penalty within the period specified in the notice under that paragraph.

(3) Criminal proceedings for offences triable summarily to which sub-paragraph (2) applies may be instituted at any time up to six months from the date when the authorised person notifies the person that they have failed to pay the non-compliance penalty.

PART 3

Enforcement undertakings

Enforcement undertakings

9. An authorised person may accept a written undertaking (an “enforcement undertaking”) given by a person to the authorised person to take such action as may be specified in the undertaking, within

such period as may be specified, where the authorised person has reasonable grounds to suspect that the person has committed an offence under regulation 11(1).

Contents of an enforcement undertaking

10.—(1) An enforcement undertaking must specify—

- (a) action to be taken by the person to secure that the offence does not continue or recur;
- (b) action to secure that the position is, so far as possible, restored to what it would have been if the offence had not been committed; or
- (c) action (including the payment of a sum of money) to be taken by the person to benefit any person affected by the offence.

(2) It must specify the period within which the action must be completed.

(3) It must include—

- (a) a statement that the undertaking is made in accordance with this Schedule;
- (b) the terms of the undertaking;
- (c) information as to how and when a person is considered to have discharged the undertaking.

(4) The enforcement undertaking may be varied, or the period within which the action must be completed may be extended, if both parties agree in writing.

Criminal proceedings and compliance notices

11.—(1) If an authorised person has accepted an enforcement undertaking from a person then, unless sub-paragraph (2) applies, that person may not at any time be convicted of the offence under regulation 11(1) in respect of the act or omission to which the enforcement undertaking relates.

(2) This sub-paragraph applies where—

- (a) a person fails to comply with the enforcement undertaking;
- (b) a non-compliance penalty has been imposed on that person under paragraph 14(1) in respect of that failure to comply;
- (c) that person fails to pay that penalty within the period specified in the notice under that paragraph and paragraph 14(5) does not apply; and
- (d) any appeal under paragraph 16 is not determined in favour of the person who failed to comply.

(3) If an authorised person has accepted an enforcement undertaking from a person then, unless sub-paragraph (4) applies, the authorised person may not impose on that person a compliance notice in respect of the act or omission to which the enforcement undertaking relates.

(4) This sub-paragraph applies where a person fails to comply with the enforcement undertaking.

(5) If a person has complied partly but not fully with an undertaking, that partial compliance must be taken into account in the imposition of any criminal or other sanction on the person.

(6) Criminal proceedings for offences triable summarily to which sub-paragraph (2) applies may be instituted at any time up to six months from the date when the authorised person notifies the person that they have failed to pay the non-compliance penalty or in the case of an appeal under paragraph 16 that appeal is determined.

Discharge of an enforcement undertaking

12.—(1) If an authorised person is satisfied that an enforcement undertaking has been complied with, it must issue a certificate to that effect.

(2) The authorised person may require the person who has given the undertaking to provide sufficient information to determine that the undertaking has been complied with.

(3) The person who gave the undertaking may at any time apply for such a certificate.

(4) The authorised person must decide whether to issue such a certificate, and give written notice of the decision to the applicant, within 14 days of such an application.

(5) The person to whom the notice is given may appeal against a decision not to issue a certificate on the grounds that the decision—

- (a) was based on an error of fact;
- (b) was wrong in law;
- (c) was unfair or unreasonable;
- (d) was wrong for any other reason.

Inaccurate, incomplete or misleading information

13.—(1) A person who has given inaccurate, misleading or incomplete information in relation to an enforcement undertaking is regarded as not having complied with it.

(2) The authorised person may by notice in writing revoke a certificate issued under paragraph 12 if it was issued on the basis of inaccurate, incomplete or misleading information.

PART 4

Non-compliance penalties

Non-compliance penalties

14.—(1) If a person fails to comply with a compliance notice or enforcement undertaking, the authorised person may serve a notice on that person imposing a monetary penalty (“a non-compliance penalty”).

(2) The amount of the non-compliance penalty must be determined by the authorised person and must be a percentage of the costs of fulfilling the remaining requirements of the notice or enforcement undertaking.

(3) The percentage must be determined by the authorised person having regard to all the circumstances of the case and may, if appropriate, be 100%.

(4) The notice must include information as to—

- (a) the grounds for imposing the non-compliance penalty;
- (b) the amount to be paid;
- (c) how payment must be made;
- (d) the period in which payment must be made, which must not be less than 28 days;
- (e) rights of appeal;
- (f) the consequences of failure to make payment in the specified period;
- (g) any circumstances in which the authorised person may reduce the amount of the penalty.

(5) If the requirements of the compliance notice or enforcement undertaking are fulfilled before the time set for payment of the non-compliance penalty, the penalty is not payable.

(6) The person on whom the notice imposing the non-compliance penalty is served may appeal against it.

- (7) The grounds of appeal are—
- (a) that the decision to serve the notice was based on an error of fact;
 - (b) that the decision was wrong in law;
 - (c) that the decision was unfair or unreasonable for any reason;
 - (d) that the amount of the penalty was unreasonable;
 - (e) that the decision was wrong for any other reason.

PART 5

Withdrawing or amending a notice

- 15.** The authorised person may at any time in writing—
- (a) withdraw a notice imposing a non-compliance penalty notice or reduce the amount specified in the notice;
 - (b) withdraw a compliance notice or amend the requirements imposed by the notice in order to reduce the amount of work necessary to comply with the notice.

PART 6

Appeals

Appeals

- 16.—**(1) Any appeal under this Schedule must be made to the First-tier Tribunal.
- (2) An appeal must be brought within 28 days of the date on which the notice or decision is received.
- (3) In any appeal where the commission of an offence is an issue requiring determination, the authorised person must prove that offence according to the same burden and standard of proof as in a criminal prosecution.
- (4) All notices are suspended pending determination or withdrawal of the appeal.
- (5) The Tribunal may, in relation to the imposition of a requirement or service of a notice—
- (a) withdraw the requirement or notice;
 - (b) confirm the requirement or notice;
 - (c) vary the requirement or notice;
 - (d) take such steps as the authorised person could take in relation to the act or omission giving rise to the requirement or notice;
 - (e) remit the decision whether to confirm the requirement or notice, or any matter relating to that decision, to the authorised person.

PART 7

Guidance and publicity

Guidance as to use of civil sanctions

- 17.—(1) The authorised person must publish guidance about its use of civil sanctions.
- (2) The authorised person must revise and update the guidance where appropriate.
- (3) In the case of guidance about compliance notices and non-compliance penalties, the guidance must contain information as to—
- (a) the circumstances in which the civil sanction is likely to be imposed; and
 - (b) the circumstances in which it is not likely to be imposed.
- (4) In the case of guidance about non-compliance penalties, the guidance must contain information about—
- (a) the matters likely to be taken into account by the authorised person in determining the amount of the penalty (including voluntary reporting by a person of their own non-compliance); and
 - (b) rights to make representations and objections and rights of appeal.
- (5) In the case of guidance about enforcement undertakings, the guidance must contain information as to—
- (a) the circumstances in which the authorised person is likely to accept an enforcement undertaking; and
 - (b) the circumstances in which the authorised person is not likely to accept an enforcement undertaking.

Consultation on guidance

18. The authorised person must consult such persons as it considers appropriate before publishing any guidance or revised guidance.

Modifications etc. (not altering text)

- C9 Sch. 4 para. 18 excluded (26.4.2023) by [The Energy Bills Discount Scheme Pass-through Requirement \(Heat Suppliers\) Regulations 2023 \(S.I. 2023/455\)](#), regs. 1(2), 12

Publication of enforcement action

- 19.—(1) The authorised person must from time to time publish—
- (a) the cases in which civil sanctions have been imposed; and
 - (b) cases in which an enforcement undertaking has been entered into.
- (2) In sub-paragraph (1)(a) the reference to cases in which civil sanctions have been imposed does not include cases where the sanction has been imposed but overturned on appeal.
- (3) This paragraph does not apply in cases where the authorised person considers that publication would be inappropriate.

Changes to legislation:

There are currently no known outstanding effects for the The Heat Network (Metering and Billing) Regulations 2014.