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STATUTORY INSTRUMENTS

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**2014 No. 928**

**The Domestic Renewable Heat  
Incentive Scheme Regulations 2014**

**PART 10**

**Inspection and enforcement**

**Power to withhold RHI payments during investigation**

57.—(1) Where the Authority has reasonable grounds to suspect—

- (a) that a participant has failed or is failing to comply with an ongoing obligation; or
- (b) that an accredited domestic plant has been given accreditation wholly or partly as a result of the provision of information which is incorrect in a material particular,

and the Authority requires time to investigate, it may withhold all or part of that participant's RHI payments pending the outcome of that investigation.

(2) Within 21 days of a decision to withhold RHI payments under paragraph (1), the Authority must send a notice to the participant which—

- (a) specifies—
  - (i) the respect in which the Authority suspects the participant has failed or is failing to comply with an ongoing obligation; or
  - (ii) a description of the information suspected to be incorrect and upon which the accreditation was based; and
- (b) sets out the date from which RHI payments will be withheld and the next steps in the investigation.

(3) The Authority's investigation must be commenced and completed as soon as is reasonably practicable.

(4) Immediately upon conclusion of its investigation under this regulation, the Authority must inform the participant of—

- (a) the outcome of the investigation;
- (b) the action the Authority proposes to take under this Part, if any; and
- (c) the participant's right of review.

(5) Subject to regulation 46, where the Authority concludes that there has been no material breach of an ongoing obligation or provision of incorrect information, it must resume payment of RHI payments in accordance with these Regulations and pay to the participant any RHI payments withheld during the course of its investigation.

(6) Within 6 months of sending of a notice under paragraph (2), the Authority must either resume payment of RHI payments or must send the participant a notice under regulation 58, 59 or 60.