
STATUTORY INSTRUMENTS

2014 No. 928

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

PART 10

Inspection and enforcement

Overpayment notices and offsetting

60.—(1) The Authority may take one of the steps set out in paragraph (2) where the Authority is satisfied that a participant or former participant has received RHI payments (“overpayments”) which—

- (a) exceed the amount to which that person was entitled under these Regulations;
- (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 for an accredited domestic plant which was given accreditation wholly or partly as a result of the provision of information which was incorrect in a material particular.

(2) The steps set out in this paragraph are—

- (a) requiring a participant or former participant who has received overpayments to repay a specified sum in relation to some or all of those overpayments; or
- (b) offsetting a specified sum in relation to some or all of those overpayments against future RHI payments.

(3) Within 21 days of a decision to take action under paragraph (1) the Authority must send the participant or former participant who has received any overpayments a notice specifying—

- (a) the value of any RHI payments which the Authority believes are overpayments;
- (b) the specified sum which the Authority is seeking to recover;
- (c) whether the specified sum must be repaid or will be offset;
- (d) where applicable, the date by which the specified sum must be repaid; and
- (e) 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 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.

(5) The Authority must not require a participant or former participant to repay, or offset, a specified sum which exceeds any overpayments received by that person.