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STATUTORY INSTRUMENTS

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**2021 No. 1335**

**The Green Gas Support Scheme Regulations 2021**

**PART 10**

**Compliance and enforcement: scheme suppliers**

**Enforcement notices**

**53.**—(1) The Authority may serve a notice (an “enforcement notice”) on a scheme supplier where—

- (a) the Authority is satisfied that the scheme supplier has failed to pay—
    - (i) a quarterly levy payment in accordance with regulation 40,
    - (ii) a levy credit payment in accordance with regulation 42,
    - (iii) any additional credit cover,
    - (iv) a backdated levy payment in accordance with regulation 49,
    - (v) a mutualisation payment in accordance with regulation 56, or
    - (vi) interest on a payment referred to in paragraph (i), (iv) or (v) due in accordance with regulation 54, or
  - (b) the Authority reasonably believes that the scheme supplier has failed to comply with any other obligation imposed on scheme suppliers under Part 7, 8, or 9.
- (2) An enforcement notice served in the circumstances referred to in paragraph (1)(a) must—
- (a) specify—
    - (i) the amount of quarterly levy payment, levy credit payment, additional credit cover, backdated levy payment, or mutualisation payment the scheme supplier has failed to pay (the “outstanding amount”),
    - (ii) where applicable, how the outstanding amount has been calculated,
    - (iii) where regulation 54 (interest on late payments) applies, any interest due on the outstanding amount at the date the enforcement notice is served and how that amount of interest has been calculated,
    - (iv) the sum of the outstanding amount and the interest due (“the total amount due”),
    - (v) the date by which the scheme supplier must pay the total amount due or, where the outstanding amount is a levy credit payment or additional credit cover, the date by which they must pay the total amount due or provide an acceptable letter of credit (or both) in respect of that amount, and
    - (vi) how the total amount due must be paid, and
  - (b) include information about the matters mentioned in—
    - (i) regulation 55 (draw down of credit cover), and
    - (ii) regulation 56 (mutualisation).

- (3) An enforcement notice served in the circumstances referred to in paragraph (1)(b) must specify—
- (a) the provision of these Regulations which the Authority believes has been breached,
  - (b) the matters constituting the breach,
  - (c) the steps the scheme supplier must take to remedy the breach, and
  - (d) the date by which those steps must be taken.
- (4) An enforcement notice must include information about appeals under regulation 60.
- (5) The Authority must publish an enforcement notice, and any other notice served under paragraph (6), as soon as reasonably practicable after the date on which it is served.
- (6) An enforcement notice may be varied or revoked at any time by the Authority by serving a further notice, including a further enforcement notice, on the scheme supplier.
- (7) A scheme supplier on whom an enforcement notice is served must comply with the requirements of that enforcement notice.
- (8) The duty imposed by paragraph (7) is enforceable in civil proceedings by the Authority for—
- (a) an injunction,
  - (b) specific performance of a statutory duty under section 45 of the Court of Session Act 1988(1), or
  - (c) any other appropriate relief.

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**Commencement Information**

**II** Reg. 53 in force at 30.11.2021, see [reg. 1\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Green Gas Support Scheme Regulations 2021, Section 53.