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## STATUTORY INSTRUMENTS

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# 2022 No. 565

## The Boiler Upgrade Scheme (England and Wales) Regulations 2022

### PART 5

#### Compliance and enforcement

##### **Power to temporarily withhold grant payment during investigation**

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

- (a) an installer—
  - (i) has failed or is failing to comply with an installer obligation, or
  - (ii) has been issued a voucher, or has been paid a boiler upgrade grant, as a result of the provision of information which was incorrect in a material particular,
- (b) the person who is specified in a boiler upgrade voucher as an installer is not an installer,
- (c) the property specified in a boiler upgrade voucher is not an eligible property where regulation 14(1)(b) (property not eligible at the time of the grant application) does not apply,
- (d) regulation 16(2) is not satisfied, where regulation 14(1)(b) applies, or
- (e) the plant specified in a boiler upgrade voucher is not eligible, or not eligible in relation to the property specified in the voucher,

and it requires time to investigate, it may decide to withhold one or more payments of a boiler upgrade grant which would otherwise be payable to the installer, pending the outcome of that investigation.

(2) For the purposes of paragraph (1), the Authority is deemed to have reasonable grounds to suspect the matters mentioned in paragraph (1)(a) or (b) if it receives notification from the Microgeneration Certification Scheme or an equivalent scheme or a consumer code that the installer is under investigation by them for breach of a requirement of the Microgeneration Certification Scheme, the equivalent scheme or the consumer code.

(3) Within 14 days of a decision to withhold a payment of a boiler upgrade grant under paragraph (1), the Authority must send a notice to the installer which specifies—

- (a) which of the grounds in paragraph (1)(a) to (e) apply,
- (b) the boiler upgrade grant payment which will be withheld and the next steps in the investigation,
- (c) where applicable, the information the installer must provide to the Authority,
- (d) the date by which the information mentioned in sub-paragraph (c) must be provided, and
- (e) the consequences of the installer failing to provide the information mentioned in sub-paragraph (d) by the date specified.

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**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Boiler Upgrade Scheme (England and Wales) Regulations 2022. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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(4) The Authority’s investigation must be commenced and completed as soon as is reasonably practicable, and immediately on conclusion of its investigation the Authority must inform the installer of—

- (a) the outcome of the investigation, and
- (b) the action the Authority proposes to take under this Part, if any.

(5) Where the Authority concludes that none of the grounds in paragraph (1)(a) to (e) is satisfied, it must make payment of any grant withheld during the course of its investigation.

(6) Within three months of sending a notice under paragraph (3), the Authority must either make payment in accordance with paragraph (5) or must send the installer a notice under regulation 20, 21, or 22.

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**Commencement Information**

**II** Reg. 19 in force at 23.5.2022, see [reg. 1\(1\)](#)

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**Changes and effects yet to be applied to :**

- reg. 19(1)(c) word inserted by S.I. 2024/524 reg. 17(b)
- reg. 19(1)(c) words omitted by S.I. 2024/524 reg. 17(a)
- reg. 19(1)(d) omitted by S.I. 2024/524 reg. 17(c)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1A inserted by S.I. 2024/524 reg. 22
- Sch. 2 para. 2(ha) inserted by S.I. 2024/524 reg. 23(g)
- Sch. 2 para. 2(f)(iii)(bb) omitted by S.I. 2024/524 reg. 23(c)
- Sch. 2 para. 2(f)(iv)(bb) omitted by S.I. 2024/524 reg. 23(e)
- Sch. 2 para. 2(f)(iv)(aa) word omitted by S.I. 2024/524 reg. 23(d)
- Sch. 3 para. 2(da) inserted by S.I. 2024/524 reg. 24(b)
- reg. 4(1)(j) inserted by S.I. 2024/524 reg. 4(c)
- reg. 5(1)(c)(iii)-(v) inserted by S.I. 2024/524 reg. 5(a)(iii)
- reg. 5(2)(aa) inserted by S.I. 2024/524 reg. 5(c)
- reg. 7(1) reg. 7 renumbered as reg. 7(1) by S.I. 2024/524 reg. 7(a)
- reg. 7(1)(a) word omitted by S.I. 2024/524 reg. 7(b)
- reg. 7(1)(b) word inserted by S.I. 2024/524 reg. 7(c)
- reg. 7(1)(c) inserted by S.I. 2024/524 reg. 7(d)
- reg. 7(2) inserted by S.I. 2024/524 reg. 7(e)
- reg. 8(3) inserted by S.I. 2024/524 reg. 8(c)
- reg. 10(1)(e) inserted by S.I. 2024/524 reg. 10(a)
- reg. 13(2A)(2B) inserted by S.I. 2024/524 reg. 11(b)
- reg. 13(5) inserted by S.I. 2024/524 reg. 11(d)
- reg. 14(2)(a)(v)-(vii) inserted by S.I. 2024/524 reg. 12(d)
- reg. 14(2)(ba) inserted by S.I. 2024/524 reg. 12(e)
- reg. 14(9) inserted by S.I. 2024/524 reg. 12(h)
- reg. 16(4A) inserted by S.I. 2024/524 reg. 14(c)