
STATUTORY INSTRUMENTS

2022 No. 565

The Boiler Upgrade Scheme (England and Wales) Regulations 2022

PART 5

Compliance and enforcement

Repayment notices and offsetting

22.—(1) Where the Authority is satisfied that an installer has received payments under these Regulations which—

- (a) exceed the amount to which the installer was entitled under these Regulations,
- (b) were paid whilst there was a failure by the installer to comply with an installer obligation, or following such a failure, or
- (c) were paid as a result of the provision of information by the installer which was incorrect in a material particular,

it may take one of the actions set out in paragraph (2).

(2) The actions in this paragraph are that the Authority may—

- (a) require the installer to repay an amount in relation to some or all of those payments, or
- (b) offset an amount in relation to some or all of those payments against future payments to the installer under these Regulations.

(3) Before taking either of the actions set out in paragraph (2), the Authority must send a notice to the installer specifying—

- (a) the amount it is seeking to recover,
- (b) the basis on which that amount is calculated,
- (c) whether the amount must be repaid or will be offset,
- (d) where applicable, the date by which the amount must be repaid, which must be not less than 28 days after the date on which the notice is sent, and
- (e) details of the installer's right of review under regulation 25.

(4) Subject to regulation 25(7), where an installer, who is required to repay an amount under this regulation fails, to make payment in full by the date specified under paragraph (3)(d), the Authority may recover any outstanding amount as a civil debt.

Commencement Information

II Reg. 22 in force at 23.5.2022, see [reg. 1\(1\)](#)

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.

[View outstanding changes](#)

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\(c\)](#)