
STATUTORY INSTRUMENTS

2012 No. 2079

**The Green Deal Framework (Disclosure,
Acknowledgment, Redress etc.) Regulations 2012**

PART 8

Enforcement

CHAPTER 2

Breaches and failure to take modifying steps

Breach of the consent provision

61. A breach of the consent provision occurs where the improver has failed to obtain a necessary permission or consent to the installation of an improvement at a property under a green deal plan.

Breach of the disclosure and acknowledgment provisions

62.—(1) A breach of the disclosure and acknowledgment provisions occurs where paragraph (2) or (3) applies.

(2) This paragraph applies where the notifier has failed to provide the disclosure document relating to a green deal property to the recipient in accordance with, as applicable, section 12 or chapter 2 of Part 7 of these Regulations.

(3) This paragraph applies where—

(a) the bill payer (“B”) suffers substantive loss which arises because—

(i) the disclosure document relating to a green deal property which was received by the recipient did not comply with the requirements of the Energy Performance Regulations;

(ii) the disclosure document was received by the recipient after the specified time; or

(iii) the recipient did not give an acknowledgment; and

(b) a reasonable period of time before the commitment date, B did not know that—

(i) B would be liable to make payments under the green deal plan; or

(ii) B would be bound by the terms of the green deal plan which bind a bill payer.

(4) For the purposes of this regulation,—

“commitment date” means—

(a) where section 12 applied, the date on which the contract for sale or lease or licence agreement was entered into;

(b) where regulation 44, 46 or 50 applied, the date on which the transaction or arrangement was entered into;

“required document” means—

- (a) the contract for sale or lease, or the licence agreement referred to in section 14(2), which is required to include the acknowledgment;
 - (b) the document which is required to contain the acknowledgment under chapter 2 of Part 7;
- “specified time” means—
- (a) where section 12(1) applied, the time specified for providing the energy performance certificate in the Green Deal (Disclosure) Regulations 2012(1);
 - (b) where regulation 44, 46 or 50 applied, the time specified in that regulation.

Breach of the relevant requirements

- 63.** A breach of the relevant requirements occurs where—
- (a) a green deal certification body breaches a requirement in regulation 19;
 - (b) a green deal assessor breaches a requirement in regulation 22;
 - (c) a green deal installer breaches the requirement in regulation 23;
 - (d) a green deal provider breaches a requirement in regulations 24 to 26 or fails to comply with a sanction (other than withdrawal) imposed under this Part;
 - (e) an authorised person fails to comply with a requirement to provide information to the Secretary of State under regulation 86.

Special circumstances – failure to take a consumer credit modifying step

- 64.**—(1) This regulation applies where a payee is not a green deal provider.
- (2) A failure to take a consumer credit modifying step occurs where—
- (a) paragraph (3) applies; and
 - (b) the payee or the green deal provider has not taken any of the steps specified in paragraph (4).
- (3) This paragraph applies where—
- (a) a green deal plan was not, at the time it was entered into, a regulated consumer credit agreement;
 - (b) after the green deal plan was entered into, a trigger event occurred; and
 - (c) in consequence of the trigger event occurring—
 - (i) were the green deal provider to enter into a new agreement on the receipt date to provide the remaining credit to the bill payer; and
 - (ii) were that agreement to be on substantially the same terms as the terms of the green deal plan,
 the new agreement would be a regulated consumer credit agreement.
- (4) The steps referred to in paragraph (2) are to—
- (a) exercise an early repayment term so that the indebtedness under the green deal plan is discharged;
 - (b) modify the green deal plan by a regulated consumer credit agreement made in writing with the bill payer; or
 - (c) terminate the green deal plan.

(5) In this regulation, “remaining credit” means the sum, less interest, of the green deal instalments which are payable during the period commencing on the receipt date and ending when the payment period comes to an end.