

**To:** Rita Chohan[Rita.Chohan@ofgem.gov.uk]; Keith Avis[Keith.Avis@ofgem.gov.uk]  
**From:** William Elliott  
**Sent:** 2012-08-29T16:21:08Z  
**Importance:** Normal  
**Subject:** FW: Chapters 10 - 12 Compliance - enforcement etc.  
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[Vol 2 chapters 10 - 12 \(WE Comments\).docx](#)

FYI

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**From:** William Elliott  
**Sent:** 29 August 2012 17:20  
**To:** Michelle Murdoch  
**Cc:** Marcus Porter; Paul Heigl  
**Subject:** RE: Chapters 10 - 12 Compliance - enforcement etc.

Michelle,

Please find attached my comments on chapters 10-12

My understanding of the discussion that Paul and I had with Bob about DETI 's and Ofgem's respective enforcement roles is that Bob felt that there might well be a role for DETI to input into/undertake some of the more nuclear enforcement decisions (such as revocation of accreditation), but that, until such time as there was an opportunity for us properly to discuss the issue with DETI, he was happy with the way in which the arrangements dealt with the issue (the arrangements provide for us to undertake all enforcement functions other than recovery of overpayment by action for civil debt. Paul, please let me know if this differs from your understanding).

In respect of the recovery of overpayments, it becomes clear on reading the GB guidance that a third (non-statutory) way of recovering overpayments is envisaged, namely voluntary repayment by the participant. I have therefore suggested that DETI will only be involved where Ofgem is unable to recover overpayment by off-setting against a participant's future payments and the participant otherwise refuses to voluntarily repay the overpayment. In those circumstances I have characterised DETI's role as effecting the civil debt action on Ofgem's behalf/ on the basis of Ofgem's decision that an overpayment has been made. I will need to check with Marcus that he is happy with this characterisation of DETI's role on his return.

Thanks

Will

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**From:** Michelle Murdoch  
**Sent:** 29 August 2012 09:18  
**To:** William Elliott  
**Subject:** Chapters 10 - 12 Compliance - enforcement etc.

Morning Will

Please find attached the above. As per our conversation, I know we will not be getting confirmation of this from DETI in time for the guidance so have gone for your approximation in your draft admin agreement. Since these chapters have not been read through I was hoping you could cast your eye over them this am. I do not feel that there are any issues and it should take you very little time to confirm this.

Looking forward to all your answers later, including the Part L Building Regs we touched upon briefly yesterday.

Have a good day.

Michelle

**Michelle Murdoch**

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