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DRAFT STATUTORY INSTRUMENTS

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**2023 No.**

The Nuclear Regulated Asset Base Model  
(Revenue Collection) Regulations 2023

PART 6

Information and advice

**Requests for information**

**42.**—(1) The revenue collection counterparty may request information from an electricity supplier which the revenue collection counterparty reasonably requires in connection with the performance of the revenue collection counterparty's functions.

(2) The revenue collection counterparty may request information from a CFD counterparty which the revenue collection counterparty reasonably requires in connection with the revenue collection counterparty's determination of amounts of EII excluded electricity under these Regulations.

(3) The Authority may request information which they reasonably require in connection with the performance of the Authority's functions from any of the following persons—

- (a) the revenue collection counterparty;
- (b) the national system operator.

(4) The Secretary of State may request information relating to revenue collection contracts which they reasonably require in connection with the performance of the Secretary of State's functions from any of the following persons—

- (a) the revenue collection counterparty;
- (b) the Authority;
- (c) a nuclear administrator;
- (d) the national system operator;
- (e) an RCC party.

(5) The Secretary of State may request the Authority to provide information to the revenue collection counterparty which the Secretary of State reasonably considers the revenue collection counterparty requires in connection with the performance of the revenue collection counterparty's functions.

(6) The information which the Secretary of State may request under paragraph (5) includes information about amounts calculated by the Authority in accordance with an RCC party's relevant licence.

(7) The Secretary of State may request a nuclear administrator to provide information to the Authority which the Secretary of State reasonably considers the Authority requires in connection with the performance of the Authority's functions.

(8) A person who receives a request under this regulation must comply with the request within such period as the person making the request may reasonably require.

### **Provision of information other than by request**

**43.**—(1) This regulation applies regardless of whether a request for information under regulation 42 has been made.

(2) Any of the following persons may provide to the revenue collection counterparty information which the person reasonably considers the revenue collection counterparty requires in connection with the performance of the revenue collection counterparty's functions—

- (a) the Authority;
- (b) a CFD counterparty.

(3) The revenue collection counterparty may provide to the Authority information which the revenue collection counterparty reasonably considers the Authority requires in connection with the performance of the Authority's functions.

(4) Any of the following persons may provide to the Secretary of State information relating to revenue collection contracts which the person reasonably considers the Secretary of State requires in connection with the performance of the Secretary of State's functions—

- (a) the revenue collection counterparty;
- (b) the Authority;
- (c) a nuclear administrator.

### **Provision of advice to the Secretary of State**

**44.**—(1) The Secretary of State may request advice relating to revenue collection contracts which they reasonably require in connection with the performance of the Secretary of State's functions from any of the following persons—

- (a) the revenue collection counterparty;
- (b) the Authority;
- (c) the national system operator.

(2) A person who receives a request under paragraph (1) must comply with the request within such period as the Secretary of State may reasonably require.

### **Restrictions on disclosing information or advice**

**45.**—(1) Subject to paragraph (2), a person who obtains information or advice under this Part must not disclose the information or advice to another person.

(2) Paragraph (1) does not apply to the disclosure of information or advice by the person—

- (a) if the disclosure is required by law (including by virtue of a request for information or advice made under this Part);
- (b) if the disclosure is required to comply with an order of a court or for the purposes of any legal proceedings;
- (c) if the disclosure is made with the consent of the person from whom the information or advice was obtained;
- (d) if the disclosure is of information that has already lawfully been made available to the public;
- (e) in the case of a disclosure by the revenue collection counterparty, if the revenue collection counterparty reasonably considers the disclosure to be necessary in connection with the performance of the revenue collection counterparty's functions;

- (f) in the case of a disclosure by the Authority, if the Authority reasonably considers the disclosure to be necessary in connection with the performance of the Authority’s functions;
- (g) in the case of a disclosure by the Secretary of State, if the Secretary of State reasonably considers the disclosure to be necessary in connection with the performance of the Secretary of State’s functions.

### Supplementary provision for Part 6

**46.**—(1) A requirement imposed under this Part on the revenue collection counterparty, a CFD counterparty, the national system operator, a nuclear administrator or an RCC party is to be treated as a relevant requirement on that person as if they were a regulated person for the purposes of section 25 of the Electricity Act 1989(1).

(2) A person who discloses information as a result of this Part must exercise reasonable care as to its accuracy.

(3) Nothing in this Part—

- (a) authorises or requires a disclosure of information if the disclosure would contravene the data protection legislation (but in determining whether a disclosure would do so, a requirement imposed under this Part is to be taken into account);
- (b) requires a person to disclose information that the person does not hold and is not entitled to obtain;
- (c) affects any power or duty to disclose or provide information or advice which exists apart from this Part.

(4) In this regulation, “the data protection legislation” has the same meaning as in section 3(9) of the Data Protection Act 2018(2).

### Interpretation of Part 6

**47.** In this Part—

“Authority’s functions” means—

- (a) functions conferred on the Authority by or by virtue of the Act (including by these Regulations); and
- (b) the Authority’s functions relating to the regulation of any RCC party in accordance with its relevant licence;

“CFD counterparty” means the person or persons designated as a counterparty for contracts for difference in accordance with section 7 of the Energy Act 2013(3);

“nuclear administrator” has the meaning given in section 39(1) of the Act;

“revenue collection counterparty’s functions” means—

- (a) functions conferred on the revenue collection counterparty by or by virtue of the Act (including by these Regulations); and
- (b) duties or obligations of the revenue collection counterparty arising under or by virtue of any revenue collection contract to which it is a party;

“Secretary of State’s functions” means—

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(1) 1989 c. 29. Section 25 was amended by the Competition Act 1998 (c. 41), section 54(3) and Schedule 10; the Utilities Act 2000 (c. 27), sections 3(2), 60(1) to (3) and (5), 108, Schedule 6, and Schedule 8; the Consumers, Estate Agents and Redress Act 2007 (c. 17), section 63(1) and Schedule 7; the Enterprise and Regulatory Reform Act 2013 (c. 24), section 51(5) and Schedule 14; and S.I. 2011/2704, 2017/493, 2019/530, 2020/96.

(2) 2018 c. 12. Section 3(9) has been amended by S.I. 2019/419.

(3) 2013 c. 32.

- (a) functions conferred on the Secretary of State by or by virtue of the Act (including by these Regulations); and
- (b) the Secretary of State's functions in relation to the formulation, development, monitoring and review of energy policy.