
DRAFT STATUTORY INSTRUMENTS

2014 No.

The Contracts for Difference (Allocation) Regulations 2014

PART 10

Directions to offer to contract

Publication of contracts

60.—(1) If a CFD counterparty offers a CFD in accordance with a direction given under section 10(1) of the Act and subsequently enters into that CFD, the CFD counterparty must publish that CFD, subject to paragraph (2).

(2) The CFD counterparty must exclude any confidential information from the CFD that is published.

(3) For the purposes of paragraph (2), “confidential information” means information—

- (a) which is identified in the specified terms as information to which paragraph (4) applies; and
- (b) in relation to which it is an initial term of the CFD that it must not be disclosed.

(4) This paragraph applies to information if, in the opinion of the Secretary of State at the time the relevant direction is given, it is information—

- (a) which constitutes a trade secret;
- (b) the disclosure of which would or would be likely to prejudice the commercial interests of any person; or
- (c) the disclosure of which would constitute a breach of confidence actionable by any person.

(5) Paragraph (4) does not apply to the strike price or the reference price.

(6) In this regulation—

“initial term” means a term of a CFD which is agreed at the time the CFD is first entered into;

“reference price” means the sum that is specified in, or determined under, the CFD as the reference price in respect of electricity generated in the period specified in, or determined under, the contract;

“strike price” means the sum that is specified in, or determined under, the CFD as the strike price in respect of electricity generated in the period specified in, or determined under, the contract.