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DRAFT STATUTORY INSTRUMENTS

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**2015 No.**

**The Electricity Supplier Obligations (Amendment  
& Excluded Electricity) Regulations 2015**

**PART 1**

**Introduction**

**Interpretation**

**2.—(1) In these Regulations—**

“the Act” means the Energy Act 2013;

“the Balancing and Settlement Code”, “the BSCCo” and “BSC volume allocation run” have the meanings given in the ESO Regulations;

“BM Unit Identification Number”, “CMRS”, “MSID” and “SMRS” are to be construed in accordance with the Balancing and Settlement Code (see Sections X-1 and X-2 of that code);

“CFD period contribution” has the meaning given in the ESO Regulations;

“earnings” in relation to a business, means the earnings of that business before interest, taxes, depreciation and amortisation;

“EII application” means an application under regulation 10;

“EII certificate” has the meaning given by regulation 8(1);

“EII excluded electricity” means any amount of electricity determined as such in accordance with regulation 6;

“electricity supplier” has the meaning given in the ESO Regulations;

“energy from renewable sources” is to be construed in accordance with [Directive 2009/28/EC](#) of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives [2001/77/EC](#) and [2003/30/EC](#)(1);

“ESO Regulations” means the Contracts for Difference (Electricity Supplier Obligations) Regulations 2014(2);

“excluded electricity” means EII excluded electricity and green excluded electricity;

“financial year” means a period of 12 months commencing with 1st April and a reference to a financial year followed by the number of a calendar year is to be construed as a reference to the financial year commencing with 1st April of that year;

“green excluded electricity” means any amount of electricity determined as such in accordance with regulation 3;

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(1) L140 5.6.2009, p16-62.

(2) [S.I. 2014/2014](#).

“NACE Rev 2” is as set out in Annex I to Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 (relating to the statistical classification of economic activities)(3);

“proper address” means—

- (a) in the case of a body corporate—
  - (i) the registered or principal office of that body, or
  - (ii) an email address provided (and not withdrawn) by that body;
- (b) in the case of a partnership—
  - (i) the principal office of the partnership, or
  - (ii) an email address provided (and not withdrawn) by—
    - (aa) that partnership,
    - (bb) a partner, or
    - (cc) a person having control or management of the partnership business;
- (c) in the case of any other person, that person’s last known address, which includes an email address provided (and not withdrawn) by that person;

“quarterly obligation period” has the meaning given in the ESO Regulations;

“relevant arrangements” has the meaning given by regulation 7;

“relevant period” is to be construed in accordance with regulation 9;

“staff costs” in relation to a business, include any employers’ pension and national insurance contributions which the business makes;

“specified activity” means an activity classified by a NACE Rev 2 class specified in column 2 of the table in the Schedule which corresponds with the description of that class in column 1 of the table;

“working day” means a day that is not a Saturday or Sunday, Christmas Day, Good Friday or any day that is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971(4).

(2) Any reference in these Regulations to a supply of electricity is a reference to its supply in Great Britain, and “supply” is to be construed in accordance with section 4(4) of the Electricity Act 1989(5).

(3) Any reference in these Regulations to an amount of electricity is a reference to that amount expressed in megawatt hours (MWh).

(4) Where more than one person is designated under section 7 of the Act as a CFD counterparty these Regulations have effect as if—

- (a) in regulation 4—
  - (i) the references to “the CFD counterparty” in paragraphs (1), (3) and (6) were to “the CFD counterparty most recently designated under section 7 of the Act”;
  - (ii) every other reference to “the CFD counterparty” in that regulation were to “a CFD counterparty”; and
  - (iii) the words “the CFD counterparty most recently designated under section 7 of the Act” appeared after the word “but” in paragraph (4);
- (b) in regulation 5—

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(3) L393 30.12.2006, p.1.

(4) 1971 c.80.

(5) 1989 c.29.

- (i) the reference in paragraph (2) to “the CFD counterparty” were to “the CFD counterparty most recently designated under section 7 of the Act” and the reference in paragraph (4) were to “a CFD counterparty”; and
  - (ii) the words “the CFD counterparty most recently designated under section 7 of the Act” appeared after the word “but” in paragraph (4);
- (c) in regulation 6—
- (i) the first and second references to “the CFD counterparty” in that regulation were to “the CFD counterparty most recently designated under section 7 of the Act” and the other reference in that regulation were to “A CFD counterparty”; and
  - (ii) in paragraph (3) the words “ to another CFD counterparty or” appeared after the word “except”;
- (d) in regulation 6(3), the reference to “the CFD counterparty” were to “a CFD counterparty”
- (e) in regulation 7—
- (i) the first reference in paragraph (1) to “the CFD counterparty” were to “a CFD counterparty” and the other reference were to “CFD counterparties”;
  - (ii) the words “which on 31st September 2015 was the most recently designated under section 7 of the Act” appeared after “The CFD counterparty” in paragraph (2);
  - (iii) the words “most recently designated under section 7 of the Act” appeared after “The CFD counterparty” in paragraph (3);
  - (iv) the reference in paragraph (4) to “The CFD counterparty” were to “A CFD counterparty”;
  - (v) the reference in paragraph (5) “the CFD counterparty” were to “a CFD counterparty”;
- (f) the references to “the CFD counterparty” in regulations 11(3) and 13(6) were to “every CFD counterparty”;
- (g) the reference to “the CFD counterparty” in regulation 13(8) were to “the CFD counterparty most recently designated under section 7 of the Act”;
- (h) the reference to “the CFD counterparty” in regulation 14 were to “a CFD counterparty”.