

Amendment to regulation 14A

4.—(1) Regulation 14A(a) (temporary site exclusions and exemption certificates) is amended as follows.

(2) Replace paragraph (1)(b) with the following—

“(b) a CFD was entered into and was subsequently terminated, and either or both of the following circumstances apply—

- (i) the CFD was terminated on a date which is earlier than 13 months after the date on which the CFD notification was given in respect of the CFD; or
- (ii) the reason for the termination was that the eligible generator failed to achieve the stages for delivery for that CFD unit which were required under the CFD to be met by the date determined in accordance with the CFD as the Milestone Delivery Date;

(each “a non-delivery case”).”.

(3) In paragraph (2)—

(a) in sub-paragraph (a) replace “eligible generating station” with “CFD unit”; and

(b) replace sub-paragraph (b) with—

“(b) the application is made in—

- (i) any allocation round where the commencement date of that round occurs in the period of 13 months beginning with the date on which the relevant CFD notification was given; or
- (ii) the first allocation round to have a commencement date occurring between the end of that period and 24 months beginning with the date on which the relevant CFD notification was given.”.

(4) In paragraph (6)—

(a) in the definition of “excluded site” replace “eligible generating station” with “CFD unit”;

(b) omit the definition of “exclusion period”.

Amendment to regulation 14B

5.—(1) Regulation 14B(b) (grounds for granting exemption certificates) is amended as follows.

(2) In paragraph (7), replace “or “Relevant Construction Event”” with “, “Relevant Construction Event” or “Sustainability Change in Law””.

(3) In paragraph (8), in the definition of “site A” replace “generating station” with “CFD unit”.

Amendment to regulation 14C

6. In regulation 14C(c) (requests for exemption certificates), in paragraph (6)(e), replace “generating station” with “CFD unit”.

Amendment to regulation 14D

7. In regulation 14D(d) (register of sites to which a temporary site exclusion applies), replace paragraph (1)(b) with the following—

“(b) the date on which the CFD notification was given for (as applicable)—

- (i) the CFD the offer of which lapsed; or

(a) Regulation 14A was inserted by S.I. 2015/981.

(b) Regulation 14B was inserted by S.I. 2015/981.

(c) Regulation 14C was inserted by S.I. 2015/981.

(d) Regulation 14D was inserted by S.I. 2015/981.

(ii) the CFD which was terminated;”.

Date	<i>Name</i> [Minister][Secretary] of State Department for Business, Energy and Industrial Strategy
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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Contracts for Difference (Allocation) Regulations 2014 (S.I. 2014/2011) (the “Allocation Regulations”).

Regulation 4 amends regulation 14A of the Allocation Regulations, which temporarily excludes a CFD application from being made in respect of a site in certain cases:

— to extend the non-delivery case to include a site in respect of which a previous CFD was terminated either less than 13 months after the CFD notification was given, or (at any time) for failure to achieve stages for delivery for that CFD Unit by the Milestone Delivery Date, unless an exemption applies;

— to amend the period for which a temporary site exclusion prohibits a CFD application from being made so that, in addition to being excluded from any CFD allocation round in the first 13 months post-CFD notification, no application may be made to the first CFD allocation round commencing between the end of that period and 24 months post-CFD notification.

Regulation 5 amends regulation 14B(7) of the Allocation Regulations to include cases where a CFD has been terminated because of a “Sustainability Change in Law” as a ground on which the Secretary of State may grant an exemption certificate for a site otherwise subject to a temporary site exclusion for non-delivery under regulation 14A (‘Ground 5’).

Regulation 7 amends regulation 14D of the Allocation Regulations to make clear that the register of sites to which a temporary site exclusion applies should set out the date CFD notification was given for the CFD the offer of which lapsed or which terminated.

A full impact assessment of the effect that the CFD scheme will have on costs to the business and the voluntary sectors is available from the Department for Business, Energy and Industrial Strategy at 3 Whitehall Place, London, SW1A 2AW and is published with the Explanatory Memorandum alongside this instrument on www.legislation.gov.uk.

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