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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

**The Electricity Capacity (No. 1) Regulations 2019**

**PART 4**

Capacity agreements: miscellaneous

**CHAPTER 1**

Amendment of Principal Regulations

**Secretary of State’s discretion concerning non-completion fees: amendments**

**24.** In regulation 43A (non-completion fee) of the Principal Regulations, after paragraph (5), insert—

“(6) Regulation 33 applies (except for paragraphs (2)(b), (3) and (5)(b)) to a non-completion notice as it applies to a termination notice, and for that purpose, a reference in regulation 33 to—

- (a) a “termination fee” is to be construed as a reference to a non-completion fee; and
- (b) a “termination notice” is to be construed as a reference to a non-completion notice.”.