
DRAFT STATUTORY INSTRUMENTS

2023 No.

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

PART 1

Introduction

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Nuclear Regulated Asset Base Model (Revenue Collection) Regulations 2023.

(2) These Regulations come into force 21 days after the day on which they are made.

(3) These Regulations extend to England and Wales and Scotland.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Nuclear Energy (Financing) Act 2022;

“absolute value”, in relation to an amount, means the magnitude of that amount without regard to whether that amount is positive or negative;

“additional reserve payment” means a payment an electricity supplier is required to make under regulation 13(3);

“adjusted interim levy rate” is to be construed in accordance with regulation 12(1);

“the Balancing and Settlement Code” means the code for the governance of electricity balancing and settlement in Great Britain, as amended from time to time, which is maintained in accordance with the conditions of transmission licences granted under section 6(1)(b) of the Electricity Act 1989(1);

“BM Unit” has the meaning given in the Balancing and Settlement Code (see section X of that code) and “registered”, in relation to a BM Unit, means registered in accordance with the requirements of section K of the Balancing and Settlement Code;

“BSC volume allocation run” means any one of the following—

- (a) an Initial Volume Allocation Run,
- (b) an Interim Information Volume Allocation Run,
- (c) a Reconciliation Volume Allocation Run (including a Final Reconciliation Volume Allocation Run or a Post-Final Volume Allocation Run);

(1) 1989 c. 29. Section 6 was substituted by the Utilities Act 2000 (c. 27), section 30. Section 6(1)(b) was substituted by the Energy Act 2004 (c. 20), section 136(1).

“the BSCCo” means ELEXON Limited (company number 03782949) or any successor to that company acting in the capacity of the BSCCo within the meaning given in the Balancing and Settlement Code;

“EII excluded electricity” means electricity which constitutes EII excluded electricity within the meaning of regulation 6(1) of the Electricity Supplier Obligations (Amendment & Excluded Electricity) Regulations 2015(2);

“electricity generation licence” has the meaning given in section 1(5) of the Act;

“electricity supplier” means a person who is the holder of a licence to supply electricity under section 6(1)(d) of the Electricity Act 1989;

“estimated quarterly obligation period electricity supply”, “estimated quarterly obligation period income”, and “estimated quarterly obligation period payment cost” are to be construed in accordance with regulation 6;

“final reconciliation determination” is to be construed in accordance with regulation 15(2);

“Final Reconciliation Volume Allocation Run” has the meaning given in the Balancing and Settlement Code (see section U of that code);

“first operational cost period” means the period—

- (a) beginning with the first payment period start date; and
- (b) ending with—
 - (i) except where paragraph (ii) applies, the earliest 31st March to occur after the first payment period start date; or
 - (ii) if the first payment period start date occurs on a 31st March, the first payment period start date;

“first payment period start date” means the date of entry into the first revenue collection contract by the revenue collection counterparty;

“first payment period end date” means the earlier of 31st March, 30th June, 30th September or 31st December following the first payment period start date;

“Initial Volume Allocation Run” has the meaning given in the Balancing and Settlement Code (see section U of that code);

“Interim Information Volume Allocation Run” has the meaning given in the Balancing and Settlement Code (see section U of that code);

“interim rate payment” is to be construed in accordance with regulation 7;

“letter of credit” means a letter from a person which contains an irrevocable and unconditional authorisation in favour of the revenue collection counterparty to be paid by that person on demand up to an amount stated in the letter;

“mutualisation amount” and “mutualisation notice” are to be construed in accordance with regulation 17;

“operational cost period” means—

- (a) the first operational cost period, or
- (b) any subsequent period beginning with 1st April in a year and ending with 31st March in the following year;

“Post-Final Volume Allocation Run” has the meaning given in the Balancing and Settlement Code (see section U of that code);

“quarterly obligation period” means—

- (a) in respect of the first such period, the period from the first payment period start date to the first payment period end date; and
- (b) for any other such period, a period of 3 months commencing with 1st April, 1st July, 1st October or 1st January (as applicable);

“RCC party” means a person, other than the revenue collection counterparty, who is a party to a revenue collection contract;

“RCC party payment” means any payment which an RCC party must make to the revenue collection counterparty under, or pursuant to, a revenue collection contract, and includes a payment made to a person to whom a benefit under, or pursuant to, a revenue collection contract has been assigned in accordance with the terms of that revenue collection contract;

“RCC period contribution” is to be construed in accordance with regulation 3;

“reconciliation determination” and “reconciliation period” are to be construed in accordance with regulation 15(1);

“reconciliation payment” means a payment an electricity supplier or the revenue collection counterparty is required to make under regulation 16(4);

“Reconciliation Volume Allocation Run” has the meaning given in the Balancing and Settlement Code (see section U of that code);

“reduced reserve payment” is to be construed in accordance with regulation 14(4)(b);

“relevant licence”, in relation to a particular RCC party, means that RCC party’s electricity generation licence;

“reserve payment” means a payment an electricity supplier is required to make under regulation 10(1);

“reserve period” means a period beginning with the 13th working day of a quarterly obligation period and ending with the 13th working day of the subsequent quarterly obligation period;

“revenue collection contract” has the meaning given in section 14(1) of the Act;

“revenue collection counterparty” has the meaning given in section 14(1) of the Act;

“revenue collection counterparty payment” means any payment which the revenue collection counterparty must make—

- (a) under or pursuant to a revenue collection contract;
- (b) to an RCC party for the purpose of compensating that person in respect of any breach of any duty (however that duty arises) owed to that person by the revenue collection counterparty which is connected to a revenue collection contract;

and includes any payment made to a person to whom a benefit under (or pursuant to) a revenue collection contract has been assigned in accordance with the terms of that revenue collection contract;

“SoS funds” means any financial assistance (within the meaning of section 41(4) of the Act) provided by the Secretary of State to the revenue collection counterparty for the purposes of making revenue collection counterparty payments and adjusting payments due from electricity suppliers in accordance with these Regulations;

“supplier” means an electricity supplier;

“total reserve amount” is to be construed in accordance with regulation 9(1)(a);

“working day” means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971(3) in England, Wales or Scotland.

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

(3) 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(4).

(4) Any reference in these Regulations to an amount to be paid or provided is a reference to that amount expressed in pounds sterling and rounded to the nearest whole penny with any half of a penny being rounded upwards.

(5) Where more than one person is designated under section 16 of the Act as a revenue collection counterparty, these regulations apply subject to the modifications set out in the Schedule.

(3) 1971 c. 80; see section 1 and Schedule 1 (which was amended by section 1 of the St Andrew’s Day Bank Holiday (Scotland) Act 2007 (2007 asp 2)).

(4) The definition of “supply” in section 4(4) was substituted by the Energy Act 2004 (c. 20), section 179(1).