
DRAFT STATUTORY INSTRUMENTS

2023 No.

The Electricity Capacity (Amendment) Regulations 2023

PART 2

Amendment of the Electricity Capacity Regulations 2014

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2. The Electricity Capacity Regulations 2014(1) are amended in accordance with this Part.

Amendment to regulation 10 (determining whether capacity auction is to be held)

3. In regulation 10—
- (a) in paragraph (1), omit subparagraphs (a) to (bb) and the “and” after subparagraph (bb);
 - (b) in paragraph (1)(c), for “15th June 2017 and each subsequent year”, substitute “15th June in each year”;
 - (c) for paragraph (5), substitute—

“(5) Where a determination in paragraph (1)(c) is that an auction is not to be held or that neither auction is to be held, the Secretary of State must, as soon as reasonably practicable after making it, publish such a determination under paragraph (1)”.

Amendment to regulation 34 (termination of capacity agreements: CFDs and ROO conversions)

4. In regulation 34—
- (a) after paragraph (2), insert—

“(2A) Subject to paragraph (2B), a CFD transfer notice must include a statement verifying the truth of the statements contained in the CFD transfer notice, which is signed by two directors of the capacity provider or, in the case of a capacity provider which is not a company, by two persons duly authorised by the capacity provider.

(2B) If a capacity provider has a sole director, references to “directors” in paragraph (2A) are to be read as the sole director.”;
 - (b) in paragraph (3)—
 - (i) before the definition of “CFD transfer notice”, insert—

““allocation round” means an allocation round established by the Secretary of State under regulation 4 of the Contracts for Difference (Allocation) Regulations 2014(2);”;
 - (ii) for the definition of “CFD transfer notice”, substitute—

““CFD transfer notice” means a notice from the capacity provider in respect of CMU i which—

- (a) identifies A;
- (b) states that the capacity provider in respect of CMU i seeks the termination of A in order to become eligible to apply for a CFD in an allocation round;
- (c) identifies the specific allocation round in which the capacity provider intends to apply;
- (d) requests that the Delivery Body terminate A; and
- (e) complies with paragraph (2A);”.

Amendment to regulation 41 (capacity provider penalty charges)

5. In regulation 41(2), for “21st”, substitute “35th”.