



Finance (No. 2) Act 2023

2023 CHAPTER 30

PART 5

ELECTRICITY GENERATOR LEVY

Attribution and surrender of amounts: joint ventures and significant minority shareholders

297 Arrangements that reflect receipts (significant minority shareholders)

- (1) **Subsection (2)** applies to generation if—
- (a) a subsidiary member (“A”) of a generating undertaking that is a group (“U”) has a significant minority shareholder that is a company or group,
 - (b) the generation is generation by a relevant generating station operated by A or a relevant subsidiary of A (see [section 290\(6\)](#)),
 - (c) a significant minority shareholder (“M”) in A that is a company or a group is party to arrangements that result in amounts arising by reference to the generation,
 - (d) those amounts would be taken into account in determining the generation receipts of U if A or a relevant subsidiary of A (whichever operates the station) were party to the arrangements, and
 - (e) the generation—
 - (i) is not supplied (directly or indirectly) to M, or
 - (ii) in the case of generation falling within [section 282\(3\)\(b\)](#) (generation expected to be generated which was not generated), was not expected to be supplied (directly or indirectly) to M.
- (2) Where [this subsection](#) applies to generation—
- (a) the generation is to be attributed to M (as well as to U),
 - (b) the generation attributed to M as a result of [paragraph \(a\)](#) is to be attributed to M for the qualifying period of M in which the generation occurred,

Status: This is the original version (as it was originally enacted).

- (c) subject to [paragraph \(d\)](#), the generation attributed to M as a result of [paragraph \(a\)](#) is to be treated for the purposes of [this Part](#) as if it had been attributed under [section 282\(1\)](#),
 - (d) in determining the exceptional generation receipts of M for a qualifying period of M under [section 279\(5\)](#), any generation attributed to M for that period as a result of [paragraph \(a\)](#) is to be ignored for the purposes of Step 2 (which may result in the result of that Step being nil).
- (3) Where the generation is generation by a relevant generating station operated in partnership and at least one of the partners is neither A nor a relevant subsidiary of A, only the qualifying proportion of that generation (see [section 294\(4\)](#)) is to be attributed to M under [subsection \(2\)\(a\)](#).
- (4) But the amount of generation that is to be attributed to M in a qualifying period of M is not to exceed the amount given by subtracting—
 - (a) the amount of generation attributed to M in that period under [section 296](#), from
 - (b) the amount of generation that is attributable on a fair and reasonable basis to the activities of A and (where it has one or more relevant subsidiaries) its relevant subsidiaries multiplied by the relevant proportion (see [section 296\(7\)](#)).
- (5) Where M is not a generating undertaking, M is to be treated as a generating undertaking for the purposes of [this Part](#).