
STATUTORY INSTRUMENTS

2014 No. 2012

**The Contracts for Difference
(Standard Terms) Regulations 2014**

PART 4

Offer to contract on standard terms

Preparation of a CFD

9.—(1) At the same time as giving an allocation round notice, the Secretary of State must give a notice (a “CFD standard terms notice”) to the CFD counterparty setting out—

- (a) the way in which the CFD counterparty must use the information in the CFD notification to apply or complete the standard terms; and
- (b) which standard terms can be used by the CFD counterparty to offer a CFD in that allocation round.

(2) The notice must be published on the CFD counterparty’s website as soon as reasonably practicable after it is received.

(3) Where a CFD notification is given to the CFD counterparty by the delivery body, the CFD counterparty must apply or complete the standard terms (or the standard terms as modified in accordance with any modification agreement) in accordance with—

- (a) the CFD standard terms notice; and
- (b) the information contained in the CFD notification.

Offer to contract

10.—(1) An offer of a CFD is made by the CFD counterparty signing two copies of a CFD completed in accordance with regulation 9(3) and sending both copies to the eligible generator.

(2) The CFD counterparty must make an offer of a CFD within 10 working days of receiving a CFD notification.

(3) The eligible generator, to whom the offer of a CFD is made, enters into a CFD where—

- (a) the eligible generator signs both copies of a CFD and returns one copy to the CFD counterparty; and
- (b) the CFD counterparty gives the eligible generator a notice stating that the CFD counterparty has received a copy of the CFD from the eligible generator which has been signed by both contracting parties.

(4) The CFD counterparty must give the notice under paragraph (3)(b) as soon as reasonably practicable after the CFD counterparty receives a signed copy of a CFD from an eligible generator.

(5) Where a CFD is entered into, the CFD counterparty must inform the delivery body as soon as reasonably practicable.

Failure to accept an offer

11.—(1) Where the CFD counterparty does not receive a signed copy of a CFD from an eligible generator within 10 working days of the offer being made, the offer lapses.

(2) Where an offer lapses, the CFD counterparty must, as soon as is reasonably practicable, give the eligible generator and the delivery body a notice which states that the offer has lapsed.

A register of CFDs

12.—(1) Where a CFD has been entered into in accordance with regulation 10, the CFD counterparty must within a reasonable time assign a unique identifier to the CFD.

(2) The CFD counterparty must establish and maintain a register and enter the following information in the register—

- (a) the unique identifier of a CFD;
- (b) the information set out in a CFD notification;
- (c) any modification of standard terms;
- (d) the CFD counterparty's reasons for accepting an application to modify standard terms;
- (e) any change to the strike price of a CFD;
- (f) any reduction to the capacity of a generating facility under a CFD; and
- (g) where a CFD is terminated, the date on which termination occurs.

(3) The CFD counterparty may enter any other information in the register which in its opinion would facilitate the administration of CFDs.

(4) The CFD counterparty must, so far as it is reasonably practicable, ensure that entries in the register are accurate.

(5) The register must be published on the CFD counterparty's website.

(6) The CFD counterparty may exclude from publication any information which in its opinion it would be entitled not to disclose in response to a request for its disclosure under the Freedom of Information Act 2000⁽¹⁾ or the Environmental Information Regulations 2004⁽²⁾.

(7) The CFD counterparty must give a generator an opportunity to make representations before deciding what information to exclude from publication.

Giving of notices

13. The Schedule (documents) has effect.

(1) 2000 c. 36.

(2) S.I. 2004/3391.