
STATUTORY INSTRUMENTS

2014 No. 2043

The Electricity Capacity Regulations 2014

PART 6

Payments

CHAPTER 2

Calculations and determinations: capacity providers

Capacity provider penalty charges

41.—(1) A capacity provider (“C”) must pay to the Settlement Body a capacity provider penalty charge in respect of any month of a delivery year (“month M”) if, in respect of month M, a settlement period penalty applies to one or more capacity committed CMUs for which C was the capacity provider during month M.

(2) If one or more capacity providers are liable to pay a capacity provider penalty charge in respect of month M the Settlement Body must, by no later than the [^{F1}35th] working day after the end of month M—

- (a) determine the amount, if any, payable by each capacity provider in respect of capacity provider penalty charges incurred in month M; and
- (b) issue to each capacity provider which is liable to pay capacity provider penalty charges an invoice for the amount determined for it.

(3) The amount payable by C under paragraph (2)(a) is the sum of—

- (a) [^{F2}MPSA_{imj}], as calculated under paragraph 6 of Schedule 1, for each capacity committed CMU for which C was registered on the capacity market register as the capacity provider for the whole of month M; and
- (b) C’s proportion of [^{F3}MPSA_{imj}], as calculated under paragraphs 6 and 8 of Schedule 1, for each capacity committed CMU for which C was registered on the capacity market register as the capacity provider for part of month M.

[^{F4}(3A) The percentages to be included in the capacity market register under regulation 31(2) (f) are—

- (a) for the annual penalty cap, 100%; and
- (b) for the monthly penalty cap, 200%.]

(4) In paragraph (1), “settlement period penalty” means a penalty calculated under paragraph 5 of Schedule 1.

Textual Amendments

- F1** Word in [reg. 41\(2\)](#) substituted (22.7.2023) by [The Electricity Capacity \(Amendment\) Regulations 2023 \(S.I. 2023/860\)](#), regs. 1(2), 5

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Electricity Capacity Regulations 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F2** Word in reg. 41(3)(a) substituted (14.7.2016) by [The Electricity Capacity \(Amendment\) Regulations 2016 \(S.I. 2016/742\)](#), reg. 1(2), **Sch. 1 para. 25** (with reg. 1(4))
- F3** Word in reg. 41(3)(b) substituted (14.7.2016) by [The Electricity Capacity \(Amendment\) Regulations 2016 \(S.I. 2016/742\)](#), reg. 1(2), **Sch. 1 para. 25** (with reg. 1(4))
- F4** Reg. 41(3A) inserted (18.12.2014) by [The Electricity Capacity \(Supplier Payment etc.\) Regulations 2014 \(S.I. 2014/3354\)](#), reg. 1(2), **Sch. 2 para. 5**

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 2(5) words substituted by [S.I. 2024/434 reg. 12\(a\)](#)
- reg. 3(3) words inserted by [S.I. 2024/434 reg. 8](#)
- reg. 4(b) word substituted by [S.I. 2024/434 reg. 9\(c\)](#)
- reg. 4(2)(aa) inserted by [S.I. 2024/434 reg. 9\(b\)\(iii\)](#)
- reg. 19(aa) inserted by [S.I. 2024/434 reg. 11\(b\)](#)