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STATUTORY INSTRUMENTS

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**2014 No. 2043**

**The Electricity Capacity Regulations 2014**

**PART 6**

Payments

CHAPTER 2

Calculations and determinations: capacity providers

**[<sup>F1</sup>Repayment of capacity payments: termination**

**43B.**—(1) A capacity provider must repay capacity payments to the Settlement Body if—

- (a) a capacity agreement is terminated on a ground specified in capacity market rules; and
- (b) capacity market rules specify that capacity payments are repayable in the event of the capacity agreement being terminated on that ground.

(2) The Settlement Body must, as soon as reasonably practicable after receiving final notice of termination of the capacity agreement—

- (a) determine the amount in pounds of the capacity payments that are repayable; and
- (b) issue to the capacity provider an invoice for that amount.

(3) Where capacity market rules specify that capacity payments are repayable in respect of—

- (a) the period TP1, the capacity payments that must be repaid are those made in respect of the period beginning with the date of the termination notice and ending with the date of termination of the relevant capacity agreement;
- (b) the period TP2, the capacity payments that must be repaid are those made in respect of the period beginning with the date of the termination event and ending with the date of termination of the relevant capacity agreement;

[ the period TP3, the capacity payments that must be repaid are those made in respect of  
<sup>F2</sup>(c) the period beginning with the date on which capacity payments began under the relevant capacity agreement and ending with the date of termination of the relevant capacity agreement [<sup>F3</sup>;]]

[ the period TP4, the capacity payments that must be repaid are those made in respect of the  
<sup>F4</sup>(d) period beginning on 1st October, and ending on 1st May, of the relevant delivery year.]

(4) In this regulation—

- (a) “final notice of termination” means a notice given by the Delivery Body in accordance with capacity market rules that the capacity agreement has terminated; and
- (b) “termination event” and “termination notice” have the meaning given in the Rules.

[  
<sup>F5</sup>(5) This regulation applies to the termination of a transferred part as it applies to the termination of a capacity agreement.]]

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**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

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#### Textual Amendments

- F1** Regs. 43B, 43C inserted (24.3.2015) by [The Electricity Capacity \(Amendment\) Regulations 2015 \(S.I. 2015/875\)](#), reg. 1(2), **Sch. 1 para. 16**
- F2** Reg. 43B(3)(c) inserted (14.7.2016) by [The Electricity Capacity \(Amendment\) Regulations 2016 \(S.I. 2016/742\)](#), reg. 1(2), **Sch. 1 para. 13** (with reg. 1(3))
- F3** Reg. 43B(3)(c): semicolon substituted for full stop (18.7.2019) by [The Electricity Capacity \(No. 2\) Regulations 2019 \(S.I. 2019/1139\)](#), regs. 1(2), **2(6)(a)**
- F4** Reg. 43B(3)(d) inserted (18.7.2019) by [The Electricity Capacity \(No. 2\) Regulations 2019 \(S.I. 2019/1139\)](#), regs. 1(2), **2(6)(b)**
- F5** Reg. 43B(5) inserted (14.7.2016) by [The Electricity Capacity \(Amendment\) Regulations 2016 \(S.I. 2016/742\)](#), reg. 1(2), **Sch. 1 para. 28** (with reg. 1(4))

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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\(b\)](#)