
STATUTORY INSTRUMENTS

2014 No. 2043

The Electricity Capacity Regulations 2014

PART 10

Dispute resolution and appeals

CHAPTER 1

Delivery Body decisions

Requesting reconsideration by the Delivery Body

69.—(1) An affected person may request the Delivery Body to review a delivery body reviewable decision.

(2) The request must—

- (a) be submitted in writing to the Delivery Body within 5 working days after receiving notice of the decision; and
- (b) include each of the matters specified in sub-paragraphs (a) to (e) of regulation 70(3).

(3) ^[F1]If the Delivery Body receives a request which complies with paragraph (2), within ^[F2]20 working days of giving notice of the decision it must—

- (a) reconsider the matter; and
- (b) give notice to the affected person of—
 - (i) the outcome of the reconsideration (the “reconsidered decision”); and
 - (ii) the reasons for the reconsidered decision.

(4) The Delivery Body must, within 5 working days after receiving a request which does not comply with paragraph (2), give notice to the affected person that the request is rejected as not complying with that paragraph, and give the reason why.

(5) Subject to ^[F3]paragraph (5A) and, ^[F4]regulations 29(10A) and 87(7)], in reconsidering a prequalification decision or a decision to issue a termination notice or a notice of intention to terminate, the Delivery Body must not take into account any information or evidence which—

- (a) the affected person was required by these Regulations or capacity market rules to provide to the Delivery Body before the decision was taken; and
- (b) the affected person failed to provide in accordance with that requirement.

^[F5](5A) In reconsidering a prequalification decision, the Delivery Body may take into account information or evidence if the Delivery Body determines that:

- (a) the relevant application for prequalification contained a non-material error or omission; and
- (b) the information or evidence is capable of rectifying such non-material error or omission.]

(6) Subject to regulations 70 to 72, the reconsidered decision is final.

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](#)

[^{F6}(7) In this regulation—

“non-material error or omission” means an error or omission in an application for prequalification which is—

- (a) manifest, and either inadvertent or the result of an honest mistake;
- (b) clerical, typographical or trivial in nature; or
- (c) determined by the Delivery Body to be inconsequential to the affected person’s compliance with, or the enforcement of, any requirement in these Regulations or the Rules to which the error or omission relates.]

Textual Amendments

- F1** Words in [reg. 69\(3\)](#) substituted (14.7.2016) by [The Electricity Capacity \(Amendment\) Regulations 2016 \(S.I. 2016/742\)](#), [reg. 1\(2\)](#), [Sch. 1 para. 58](#)
- F2** Word in [reg. 69\(3\)](#) substituted (27.7.2021) by [The Electricity Capacity \(Amendment\) Regulations 2021 \(S.I. 2021/901\)](#), [reg. 1\(2\)](#), [Sch. para. 4\(a\)](#)
- F3** Words in [reg. 69\(5\)](#) inserted (27.7.2021) by [The Electricity Capacity \(Amendment\) Regulations 2021 \(S.I. 2021/901\)](#), [reg. 1\(2\)](#), [Sch. para. 4\(b\)](#)
- F4** Words in [reg. 69\(5\)](#) substituted (24.3.2015) by [The Electricity Capacity \(Amendment\) Regulations 2015 \(S.I. 2015/875\)](#), [reg. 1\(2\)](#), [Sch. 1 para. 18](#)
- F5** [Reg. 69\(5A\)](#) inserted (27.7.2021) by [The Electricity Capacity \(Amendment\) Regulations 2021 \(S.I. 2021/901\)](#), [reg. 1\(2\)](#), [Sch. para. 4\(c\)](#)
- F6** [Reg. 69\(7\)](#) inserted (27.7.2021) by [The Electricity Capacity \(Amendment\) Regulations 2021 \(S.I. 2021/901\)](#), [reg. 1\(2\)](#), [Sch. para. 4\(d\)](#)

Modifications etc. (not altering text)

- C1** [Reg. 69](#) modified (4.7.2020) by [The Electricity Capacity \(Amendment etc.\) \(Coronavirus\) Regulations 2020 \(S.I. 2020/697\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 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\(b\)](#)