
STATUTORY INSTRUMENTS

2019 No. 862

The Electricity Capacity (No. 1) Regulations 2019

PART 1

Introduction

Citation and commencement

- 1.—(1) These Regulations may be cited as the Electricity Capacity (No. 1) Regulations 2019.
- (2) These Regulations come into force on the day after the day on which they are made.

Interpretation

- 2.—(1) Subject to paragraph (2), in these Regulations—
 - “the Rules” mean the Capacity Market Rules 2014⁽¹⁾;
 - “agreement termination trigger event” means a notification by the Secretary of State under regulation 6(1)(a) or 6(2)(a) in respect of capacity agreements which existed on 15th November 2018, and occurs on the date on which the notification is given;
 - “capacity agreement” (except in regulation 5(2)) has the meaning given in regulation 30(1) of the Principal Regulations;
 - “capacity market supplier charge” means the charge payable by electricity suppliers to the Settlement Body under regulation 6(1) of the Supplier Payment Regulations;
 - “capacity obligation” has the meaning given in regulation 2(1) of the Principal Regulations;
 - “capacity payment” has the meaning given in regulation 2(1) of the Principal Regulations;
 - “capacity provider” has the meaning given in regulation 2(1) of the Principal Regulations;
 - “conditional agreement auction” means the T-1 auction for the delivery year commencing on 1st October 2019;
 - “conditional capacity agreement” has the meaning given in regulation 2(1) of the Principal Regulations (as modified by Part 5);
 - “deferred capacity payment trigger event” means a notification by the Secretary of State under regulation 4(1), and occurs on the date on which the notification is given;
 - “Delivery Body” has the meaning given in regulation 2(1) of the Principal Regulations;
 - “delivery year” has the meaning given in regulation 2(1) of the Principal Regulations;
 - “electricity supplier” has the meaning given in regulation 2(1) of the Supplier Payment Regulations;

(1) A consolidated version of the Capacity Market Rules 2014 are at <https://www.ofgem.gov.uk/publications-and-updates/publication-consolidated-capacity-market-rules-2018>. Copies are available from the Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London, SW1H 0ET.

(2) In regulation 5, “capacity agreement” has the meaning given in regulation 2(1) of the Principal Regulations as modified by Part 5.

“Principal Regulations” means the Electricity Capacity Regulations 2014⁽³⁾;

“relevant authority” means—

- (a) the Commission of the European Union;
- (b) the European Court⁽⁴⁾; or
- (c) the Competition and Markets Authority⁽⁵⁾;

“Settlement Body” has the meaning given in regulation 2(1) of the Principal Regulations;

“standstill month” means—

- (a) October 2018;
- (b) any month included (wholly or partly) in the standstill period; and
- (c) the month after the last month included (wholly or partly) in the standstill period;

“standstill period” has the meaning given in regulation 3;

“Supplier Payment Regulations” means the Electricity Capacity (Supplier Payment etc.) Regulations 2014⁽⁶⁾;

“T-1 termination trigger event” means a notification by the Secretary of State under regulation 6(1)(b) or 6(2)(b) in respect of conditional capacity agreements, and occurs on the date on which the notification is given;

“T-1 auction” has the meaning given in regulation 2(1) of the Principal Regulations; and

“T-1 capacity agreement trigger event” means a notification by the Secretary of State under regulation 5(1), and occurs on the date on which the notification is given.

(2) Words read into—

- (a) the Principal Regulations as modifications to the application of those regulations under regulations 12 to 23—
 - (i) have the meaning given in the Principal Regulations as modified by regulations 12 to 23; and
 - (ii) where defined with reference to the Supplier Payment Regulations, have the meaning given in the Supplier Payment Regulations as modified by regulations 54 to 63;
- (b) the Principal Regulations as modifications to the application of those regulations under regulations 29 to 52—
 - (i) have the meaning given in the Principal Regulations as modified by regulations 29 to 52; and
 - (ii) where defined with reference to the Supplier Payment Regulations, have the meaning given in the Supplier Payment Regulations as modified by regulations 54 to 63; and
- (c) the Supplier Payment Regulations as modifications to the application of those regulations under regulations 54 to 63 have the meaning given in the Supplier Payment Regulations as modified by regulations 54 to 63.

⁽³⁾ S.I. 2014/2043, amended by S.I. 2014/3354, 2015/875, 2015/1974, 2016/742 and 2017/1053.

⁽⁴⁾ The term “European Court” is defined to mean the Court of Justice of the European Union in the European Communities Act 1972 (c. 68), Schedule 1, Part II, which applies through the Interpretation Act 1978 (c. 30) (section 5 and Schedule 1) to all other UK legislation.

⁽⁵⁾ The Competition and Markets Authority is established by section 25 of the Enterprise and Regulatory Reform Act 2013 (c. 24).

⁽⁶⁾ S.I. 2014/3354; relevant amending instruments are S.I. 2016/363, 2016/742, 2017/502 and 2017/1053.