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STATUTORY INSTRUMENTS

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**2023 No. 860**

**The Electricity Capacity (Amendment) Regulations 2023**

**PART 2**

**Amendment of the Electricity Capacity Regulations 2014**

**Amendment to regulation 34 (termination of capacity agreements: CFDs and ROO conversions)**

**4.** In regulation 34—

(a) after paragraph (2), insert—

“(2A) Subject to paragraph (2B), a CFD transfer notice must include a statement verifying the truth of the statements contained in the CFD transfer notice, which is signed by two directors of the capacity provider or, in the case of a capacity provider which is not a company, by two persons duly authorised by the capacity provider.

(2B) If a capacity provider has a sole director, references to “directors” in paragraph (2A) are to be read as the sole director.”;

(b) in paragraph (3)—

(i) before the definition of “CFD transfer notice”, insert—

““allocation round” means an allocation round established by the Secretary of State under regulation 4 of the Contracts for Difference (Allocation) Regulations 2014(1);”;

(ii) for the definition of “CFD transfer notice”, substitute—

““CFD transfer notice” means a notice from the capacity provider in respect of CMU i which—

- (a) identifies A;
- (b) states that the capacity provider in respect of CMU i seeks the termination of A in order to become eligible to apply for a CFD in an allocation round;
- (c) identifies the specific allocation round in which the capacity provider intends to apply;
- (d) requests that the Delivery Body terminate A; and
- (e) complies with paragraph (2A);”.