



# Energy Act 2013

## 2013 CHAPTER 32

### PART 2

#### ELECTRICITY MARKET REFORM

### CHAPTER 3

#### CAPACITY MARKET

#### **29 Capacity auctions**

- (1) Electricity capacity regulations may make provision for the determination on a competitive basis of who may be a capacity provider (referred to in this Chapter as a “capacity auction”).
- (2) Provision included in electricity capacity regulations by virtue of subsection (1) may include provision—
  - (a) for the national system operator to run a capacity auction;
  - (b) about the circumstances in which a capacity auction may or must be held;
  - (c) about the amount of capacity in relation to which a determination may be made;
  - (d) about the intervals at which a capacity auction may or must be held;
  - (e) about the process by which a capacity auction may or must be run;
  - (f) about the manner in which the Secretary of State may decide whether and how to exercise any function in relation to capacity auctions;
  - (g) about appeals relating to eligibility for, or the outcome of, capacity auctions.
- (3) Provision falling within subsection (2)(a) may include provision—
  - (a) requiring the national system operator to prepare and publish rules or guidance about capacity auctions;
  - (b) about any process to be followed in preparing and publishing any such rules or guidance.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Provision falling within subsection (2)(c) may confer on the Secretary of State or the Authority (but not on any other person) the function of deciding the amount of capacity in relation to which a determination may be made.
- (5) Provision falling within subsection (2)(f) may include provision about—
  - (a) the frequency with which a decision will be made and reviewed;
  - (b) the persons who will be consulted before a decision is made;
  - (c) the matters to be taken into account in reaching a decision.