
DRAFT STATUTORY INSTRUMENTS

2019 No.

The Electricity Capacity (No. 1) Regulations 2019

PART 5

Conditional agreement auction

Capacity provider penalty charges: modifications

39.—(1) Regulation 41(1) (capacity provider penalty charges) of the Principal Regulations applies as if, at the start there were inserted “Subject to regulation 41A,”.

(2) The Principal Regulations apply as if, after regulation 41 there were inserted—

“Conditional capacity provider penalty charges

41A.—(1) Subject to paragraph (2), paragraphs (1) to (3) of regulation 41 do not apply in relation to a standstill month.

(2) If the T-1 capacity agreement trigger event has occurred, regulation 41 applies in relation to each standstill month (including standstill months prior to the month in which the T-1 capacity agreement trigger event occurred) as if in paragraph (2), for “month M”, in the second place it occurs, there were substituted “the month after the month in which the T-1 capacity agreement trigger event occurred”.