
DRAFT STATUTORY INSTRUMENTS

2019 No.

The Electricity Capacity (No. 1) Regulations 2019

PART 6

Modifications to Supplier Payment Regulations

Standstill collection period reconciliation: modifications

- 61.**—(1) Regulation 17 (general) of the Supplier Payment Regulations applies as if—
- (a) after the definition of “annual reconciliation run”, there were inserted—
 - ““collection period X” means the standstill collection period of a delivery year;”;
 - (b) in the definition of “month M”, at the end, there were inserted “which is not a standstill month”; and
 - (c) after the definition of “month M”, there were inserted—
 - ““standstill collection period reconciliation run” means a reconciliation run under regulation 20A in respect of payments relating to the standstill collection period of a delivery year;”.
- (2) Regulation 18 (reconciliation runs) of the Supplier Payment Regulations applies as if—
- (a) in paragraph (1)(a)—
 - (i) after “delivery year”, there were inserted “which is not a standstill month”; and
 - (ii) “and”, in the last place it occurs, were omitted;
 - (b) after paragraph (1)(a), there were inserted—
 - “(aa) at least 3 standstill collection period reconciliation runs (“scheduled standstill collection period reconciliation runs”) in respect of the standstill collection period of a delivery year (“collection period X”), which must be commenced no later than—
 - (i) 90 working days;
 - (ii) 160 working days; and
 - (iii) 295 working days,after the date by which credit notes for capacity payments in respect of collection period X were required to be issued; and”;
 - (c) in paragraph (2)(a), “and” were omitted;
 - (d) after paragraph (2)(a), there were inserted—
 - “(aa) no standstill collection period reconciliation run in respect of collection period X may be commenced more than 28 months after the last day of collection period X; and”;
 - (e) after paragraph (3), there were inserted—

- “(3A) The Settlement Body must, as soon as reasonably practicable after a payment trigger event occurs, for a delivery year which includes one or more standstill months (“year X”)—
- (a) set a timetable for the scheduled standstill collection period reconciliation runs for the standstill collection period of year X; and
 - (b) publish the timetable.”;
- (f) in paragraph (5), after “(3)” there were inserted “, (3A)”;
- (g) for paragraph (6)(a) there were substituted—
- “(a) to carry out a scheduled reconciliation run if—
 - (i) it does not have any data which could affect any calculations or determinations previously made; or
 - (ii) it cannot make accurate calculations or determinations until after a payment trigger event has occurred; or”;
- (h) in paragraph (7), after “month M”, in each place it occurs, there were inserted “or collection period X”.
- (3) Regulation 19 (recalculation of payments: general) of the Supplier Payment Regulations applies as if—
- (a) after “regulations 20”, there were inserted “, 20A”;
 - (b) in sub-paragraph (b)(ii), after “7(6) and (7)” there were inserted “or 7A(12) and (13)”;
 - (c) in sub-paragraph (b)(v)—
 - (i) after “delivery year” there were inserted “(including payments that were prevented from being paid at the time by the law relating to state aid)”;
 - (ii) after “of a” there were inserted “conditional capacity agreement or”;
 - (d) after sub-paragraph (b), there were inserted—
 - “(c) in sub-paragraph (b)(v) capacity payments which will be paid or become payable at a later date if a payment trigger event occurs are not considered reduced or forfeited solely because they cannot be paid or are not payable at the time of a recalculation or redetermination.”.
- (4) Regulation 20 (monthly reconciliation runs) of the Supplier Payment Regulations applies as if, in paragraph (7), after “7(6) and (7)” there were inserted “or 7A(12) and (13)”.
- (5) The Supplier Payment Regulations apply as if, after regulation 20 there were inserted—

“Standstill collection period reconciliation runs: recalculation of payments

20A.—(1) By no later than T-21 the Settlement Body must make a redetermination of the amount of standstill collection period supplier charge payable by each electricity supplier in respect of collection period X.

(2) For the purpose of paragraph (1), the Settlement Body must remake the calculations under paragraphs 2 to 4 of Schedule 1.

(3) For each electricity supplier (“S”), the Settlement Body must calculate the difference between—

- (a) the amount of the capacity market supplier charge S has paid in respect of collection period X before the redetermination under paragraph (1) is made (“SCP”); and
- (b) the amount redetermined for S under paragraph (1) (“SCRDA”).

- (4) The Settlement Body must calculate the total amount of reconciliation payments payable by the Settlement Body (“TAP”).
- (5) TAP must be calculated as the sum of the differences between SCP and SCRDA for each electricity supplier for which SCRDA is less than SCP.
- (6) The Settlement Body must, subject to paragraph (7)—
- (a) if SCRDA is greater than SCP, issue to S an invoice for the amount of the difference between SCRDA and SCP;
 - (b) if SCRDA is less than SCP, subject to regulation 24, issue to S a credit note for the amount of the difference between SCRDA and SCP; and
 - (c) if SCRDA is equal to SCP, give S a notice that no reconciliation payment is due to or from S.
- (7) If S is entitled to a mutualisation credit under regulation 7(6) and (7) or 7A(12) and (13), the Settlement Body must adjust the amount of the invoice or credit note to be issued under paragraph (6) by the amount of that credit.”.
- (6) Regulation 21(5) (annual reconciliation runs) of the Supplier Payment Regulations, applies as if—
- (a) in the definition of “TMSC”—
 - (i) after “monthly capacity market supplier charges”, there were inserted “and standstill collection period supplier charges”; and
 - (ii) at the end, there were inserted “which are not standstill months, or standstill collection period reconciliation runs for the standstill collection period of year X”; and
 - (b) in paragraph (9), after “7(6) and (7)” there were inserted “or 7A(12) and (13)”.
- (7) Regulation 22(1) (reconciliation invoices and payment) of the Supplier Payment Regulations applies as if, after “20(6)(a)” there were inserted “, 20A(6)(a)”.