

---

STATUTORY INSTRUMENTS

---

**2015 No. 718**

**The Electricity Market Reform (General)  
(Amendment) Regulations 2015**

**Amendment**

- 2.—(1) The Electricity Market Reform (General) Regulations 2014<sup>(1)</sup> are amended as follows.
- (2) At the appropriate places in regulation 2 (Interpretation) insert the following definitions—
- ““FMS procedures” means the procedures agreed, or to be agreed, between the parties to a CFD or retained investment contract, further to the terms and conditions of that contract to ensure compliance by the generator party with the FMS obligations;”;
- ““FMS compliance and enforcement” means the terms and conditions of a CFD or retained investment contract by virtue of which the relevant party monitors compliance with, and enforcement of, the FMS procedures or the FMS obligations;”;
- ““FMS obligations” means the terms and conditions of a CFD or retained investment contract by virtue of which the generator party is required to—
- (a) measure the amount of fuel used by the generating station which is subject to that contract;
- (b) sample the content of such fuel; and
- (c) provide information to the relevant party in relation to such measurement and sampling;”;
- ““generator party” means a party to a CFD or a retained investment contract other than the relevant party;”;
- ““relevant party” means—
- (a) in relation to a CFD, the CFD counterparty which is party to that contract;
- (b) in relation to a retained investment contract, the Secretary of State;”;
- ““retained investment contract” means an investment contract other than a transferred investment contract”;
- ““sustainability obligations” means the terms and conditions of a CFD or retained investment contract by virtue of which requirements are imposed on the generator party in relation to—
- (a) the use of bioliquids, solid biomass or gaseous biomass in the generation of electricity; and
- (b) the provision of information to the relevant party concerning such use;”;
- ““transferred investment contract” means an investment contract which has been transferred to a CFD counterparty by virtue of paragraph 16(1) of Schedule 2 to the Act;”.
- (3) In regulation 6 (Provision of information by a CFD counterparty to the delivery body)—
- (a) in paragraphs (4) and (8)(a), for “an eligible generator who is a party to a CFD” substitute “a generator party”; and
- (b) in paragraph (8)(b), for “eligible generator” substitute “generator party”.

---

(1) S.I. 2014/2013.

- (4) In regulation 7 (Provision of information by generators to the delivery body)—
  - (a) in paragraph (1)(c) for “an eligible generator who is a party to a CFD (“a relevant generator”)” substitute “a generator party”; and
  - (b) in paragraphs (2), (4), (5), (6) and (7) for “relevant generator” substitute “generator party”.
- (5) After regulation 15 (Restricted liability in damages) insert—

## “PART 5

### Advice arrangements and transferred investment contracts

#### **Provision of advice by the Authority**

**16.**—(1) The Authority may enter into arrangements for the purpose of offering advice to a relevant party in respect of any of the matters in paragraph (2).

- (2) The matters referred to in paragraph (1) are—
  - (a) FMS procedures, including any contemplated amendments to such procedures;
  - (b) FMS compliance and enforcement;
  - (c) monitoring compliance with, and enforcement of, sustainability obligations.

#### **Investment contracts**

**17.**—(1) A transferred investment contract is to be treated as a CFD for the purposes of all provision made by Chapter 2 of Part 2 of the Act except for any provision made by sections 10 to 16 of that Act.

(2) Except in Part 3, any reference in these Regulations to a CFD is to be treated as including reference to a transferred investment contract.”.