
DRAFT STATUTORY INSTRUMENTS

2014 No.

The Electricity Capacity Regulations 2014

PART 4

Capacity auctions

CHAPTER 3

Eligibility criteria and prequalification

Excluded capacity: low carbon support scheme CMUs

16.—(1) The Delivery Body must not prequalify a CMU (“CMU i”) in respect of which—

- (a) if CMU i is accredited under the FIT Order, the RHI Regulations or the ROO, the applicant does not provide a non-support confirmation by the close of the prequalification window; or
- (b) if an application (which is not determined) for a low carbon exclusion has been made in respect of CMU i for any of the delivery period, the applicant does not provide a withdrawal confirmation by the close of the prequalification window.

(2) The Delivery Body must not prequalify CMU i if CMU i is subject to a CFD which applies for any of the delivery period.

(3) The Delivery Body may request an applicant or the CFD counterparty to provide it with such information as it may require for the purposes of paragraphs (1) and (2), and the applicant or CFD counterparty must, to the extent that it holds the information, comply with such a request as soon as reasonably practicable.

(4) In this regulation—

“co-firing CMU” means a generating CMU consisting of one or more generating units which have, in any month after March 2013, generated electricity in the way described in Schedule 2 to the ROO(1) as “co-firing of regular bioliquid”, “low-range co-firing”, “mid-range co-firing”, “high-range co-firing” or “unit conversion”;

“the FIT Order” means the Feed-in Tariffs Order 2012(2);

“low carbon exclusion” means—

- (a) an accreditation under—
 - (i) the FIT Order;
 - (ii) the RHI Regulations; or
 - (iii) the ROO; or
- (b) a CFD;

(1) The definitions of “co-firing of regular bioliquid”, “low-range co-firing”, “mid-range co-firing”, “high-range co-firing” and “unit conversion” were inserted into Schedule 2 to S.I. 2009/785 by S.I. 2013/768, and were inserted into Schedule 2 to S.S.I. 2009/140 by S.S.I. 2013/116.

(2) S.I. 2012/2782, amended by S.I. 2013/1099.

“non-support confirmation” means a declaration in writing to the Delivery Body from an applicant—

- (a) that the period for which relevant support may be paid or issued under the FIT Order, the RHI Regulations or the ROO in respect of CMU i will have expired before the start of the delivery period; or
- (b) that—
 - (i) CMU i is a co-firing CMU; and
 - (ii) if the applicant is awarded a capacity obligation in respect of CMU i, the applicant will not, except in accordance with regulation 34, seek to obtain relevant support in respect of CMU i for any of the delivery period;

“relevant support” means—

- (a) a FIT payment within the meaning referred to in the FIT Order;
- (b) a periodic support payment within the meaning of the RHI Regulations; or
- (c) a ROC;

“the RHI Regulations” means the Renewable Heat Incentive Scheme Regulations 2011⁽³⁾;

“withdrawal confirmation” means a notice to the Delivery Body from the applicant in respect of CMU i that the applicant has withdrawn its application for a low carbon exclusion in respect of that CMU.

(3) S.I. 2011/2860, amended by S.I. 2012/1999, S.I. 2013/1033, S.I. 2013/2410 and S.I. 2013/3179.