
DRAFT STATUTORY INSTRUMENTS

2019 No.

The Electricity Capacity (No. 1) Regulations 2019

PART 3

Payments administered by the Settlement Body

CHAPTER 2

Modifications to application of Principal Regulations:
agreements existing on 15th November 2018

Termination fees: modifications

16. Regulation 43 (termination fees) of the Principal Regulations applies as if—

- (a) at the beginning of paragraph (2), there were inserted “Subject to paragraph (2A),”; and
- (b) after paragraph (2), there were inserted—

“(2A) If the Settlement Body—

- (a) receives a notice during a standstill month that a capacity agreement has been terminated; or
- (b) received a notice of the termination of a capacity agreement before 15th November 2018 but had not fulfilled the requirements in paragraph (2) by that date,

the reference in paragraph (2) to “as soon as reasonably practicable after receiving notice of the termination of a capacity agreement on a ground for which a termination fee is payable” is to be construed as a reference to “as soon as reasonably practicable after the deferred capacity payment trigger event occurs (if the Settlement Body receives the notice before the trigger event occurs)”.