
STATUTORY INSTRUMENTS

2014 No. 2043

The Electricity Capacity Regulations 2014

PART 11

Capacity market rules

Authority's power to make capacity market rules

77.—(1) The Authority may make capacity market rules about the operation and administration of the capacity market.

(2) The power in paragraph (1)—

- (a) includes power to amend, add to, revoke or substitute any provision of the Rules; and
- (b) includes power to specify that an obligation in capacity market rules made by the Authority is enforceable as if it were a relevant requirement on a regulated person for the purposes of section 25 of EA 1989 (whether or not the person on whom a requirement is imposed is in fact a regulated person within the meaning of EA 1989).

(3) But the Authority must not—

- (a) make any provision in capacity market rules which is inconsistent with these Regulations; or
- (b) except with the approval of the Secretary of State, make any provision in capacity market rules which—
 - (i) confers functions on the Secretary of State; or
 - (ii) confers additional functions on the Authority.

Objectives

78. The Authority must when making capacity market rules, in addition to having regard to its principal objective and general duties, have regard to the following objectives—

- (a) promoting investment in capacity to ensure security of electricity supply;
- (b) facilitating the efficient operation and administration of the capacity market;
- (c) ensuring the compatibility of capacity market rules with other subordinate legislation under Part 2 of the Act.

Procedure

79.—(1) Before making capacity market rules the Authority must consult—

- (a) the Secretary of State;
- (b) the Delivery Body;
- (c) any person who is a holder of a licence to supply electricity under section 6(1)(d) of EA 89;
- (d) any person who is a capacity provider; and

- (e) such other persons as the Authority considers it appropriate to consult.
- (2) Paragraph (3) applies where any proposal to amend a provision of capacity market rules is made to the Authority by—
 - (a) a person mentioned in paragraph (1)(a) to (d);
 - (b) an applicant, or a person wishing to apply to bid in a capacity auction; or
 - (c) a representative body representing persons mentioned in paragraph (1)(c) or (d) or any other class of persons which, in the Authority’s opinion, has a sufficient interest in the capacity market.
- (3) The Authority must—
 - (a) consider the proposal; and
 - (b) either—
 - (i) consult in accordance with paragraph (1) on whether to make the proposed amendment; or
 - (ii) publish its reasons for rejecting the proposal without consulting on it.