

SCHEDULE 1

Amendments to the Electricity Capacity Regulations 2014

PART 6

Miscellaneous and minor amendments

Regulation 2 (interpretation)

41.—(1) In regulation 2(1)—

(a) omit the definition of “price duration equivalence”;

(b) after the definition of “TFx”(1) insert—

““third T-4 auction” means a capacity auction held in the auction window starting on 1st September 2016 following a determination by the Secretary of State under regulation 10(1)(b);”.

(2) In regulation 2(4), after “by a working day” insert “, unless specified otherwise”.

Regulation 6 (reliability standard)

42. In regulation 6(5)(a), after “(4)(a)” omit “it”.

Regulation 7 (annual electricity capacity report)

43. In regulation 7—

(a) omit paragraph (4)(c)(i) and (ii); and

(b) after paragraph (4) insert—

“(5) An electricity capacity report must include the de-rating factors that the Delivery Body estimates will apply to—

(a) generating CMUs in each generating technology class; and

(b) demand side response CMUs;

for the purposes of capacity auctions held in the following auction window.”.

Regulation 11 (meaning of auction parameters)

44. In regulation 11—

(a) omit paragraph (1)(g); and

(b) in paragraph (3), omit the entry for “price duration equivalence”.

Regulation 12 (determination of auction parameters by the Secretary of State)

45. In regulation 12, omit paragraph (2)(b).

Regulation 13 (adjustment of auction parameters following prequalification)

46. In regulation 13(2), for “5” substitute “10”.

(1) The entry in regulation 2(1) for “TFx” is inserted by paragraph 8 of this Schedule.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 15 (general eligibility criteria)

47. In regulation 15(5), for “an” substitute “a”.

Regulation 23 (notifying prequalification results to the Secretary of State)

48. In regulation 23(1), after “determined all the applications made to it” insert “and, if applicable, complied with any obligations under regulation 69(3) or (4) in relation to requests to review prequalification decisions notified to applicants on prequalification results day (which has the meaning given to that term in the Rules)”.

Regulation 29 (DSR transitional auctions)

49.—(1) In regulation 29(10)—

(a) after sub-paragraph (a) insert—

“(aa) regulation 13 applies as if in paragraph (1), for “regulation 23” there were substituted “regulation 23(1)”, and the following paragraphs were inserted after paragraph (2)—

“(3) After the Secretary of State receives a notification from the Delivery Body under regulation 23(1A), the Secretary of State may decide to adjust any of the auction parameters for the capacity auction to which the notification relates.

(4) The Secretary of State must make any decision under paragraph (3), and give notice of any adjustments to the Delivery Body, within 5 working days after receiving the notification from the Delivery Body.”;

(ab) regulation 21 applies as if after paragraph (3) there were inserted—

“(4) If the Secretary of State gives notice of an adjustment to auction parameters under regulation 13(4)—

(a) within 5 working days after receiving the notice, the Delivery Body must publish a revised final version of the auction guidelines accordingly; or

(b) if the Delivery Body has not published a final version of the auction guidelines when it receives the notice, it must publish those guidelines at the time required by paragraph (3) or within 5 working days after receiving the notice, whichever is later.””

(b) in sub-paragraph (b) after “omitted” insert—

“and the following paragraph were inserted after paragraph (1)—

“(1A) The Delivery Body must—

(a) on the auction results day for a supplementary auction, or

(b) on the auction results day for a third T-4 auction if there is no supplementary auction but there is a third T-4 auction,

notify the Secretary of State of the aggregate de-rated capacity of CMUs which are eligible to participate in the capacity auction, and CMUs in respect of which applications were rejected.””

(2) In regulation 29(11) before the definition of “delivery period” insert—

““auction results day” means the date on which the auction results are published under regulation 25(1)(c);”.

Regulation 30 (capacity agreements)

50. In regulation 30 (capacity agreements), for paragraph (4) substitute—

- “(4) The capacity cleared price is—
 - (a) the auction clearing price; or
 - (b) in the case of a time banded capacity obligation awarded in a DSR transitional auction, the percentage of the auction clearing price applicable under regulation 29(7) or (8).”.

Regulation 39 (determination of adjusted load-following capacity obligation, net output and adjusted net output)

51. In regulation 39(5), after the definition of “capacity market volume reallocation notifications” insert—

““net output”, in relation to a demand side response CMU, means DSR volume (as defined in capacity market rules);”.

Regulation 40 (capacity payments)

52. In regulation 40—

- (a) in paragraph (4)(a), for “26th” substitute “28th”; and
- (b) in paragraph (5), for “25th” substitute “26th”.

Regulation 45 (payment and non-payment, general)

53. In regulation 45—

- (a) in paragraph (1), in the definition of “in default”, before “the payment due date” insert “the end of”; and
- (b) omit paragraphs (2) and (3).

Regulation 46 (payment of invoices and accruing interest)

54. In regulation 46(1), before “the payment due date” insert “the end of”.

Regulation 47 (the non-payment register)

55. In regulation 47(1), before “the payment due date” insert “the end of”.

Regulation 48 (payment of credit notes)

56. In regulation 48(a) and (b), for “the 29th” substitute “the end of the 33rd”.

Regulation 50 (reducing capacity payments: failure to demonstrate satisfactory performance)

57. In regulation 50—

- (a) in paragraph (4)(a), after “year X” insert “less the total amount of any capacity provider penalty charges that C has paid in respect of CMU i and year X”; and
- (b) in paragraph (4)(b), for “of those capacity payments” substitute “due under sub-paragraph (a)”.

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Regulation 69 (requesting reconsideration by the Delivery Body)

58. In regulation 69(3), for the words before sub-paragraph (a) substitute “If the Delivery Body receives a request which complies with paragraph (2), within 15 working days of giving notice of the decision it must”.

Regulation 77 (Authority’s power to make capacity market rules)

59. In regulation 77(3)(b), for the words from “make” to the end substitute—
“make, amend or revoke any provision in capacity market rules which confers functions on—
(i) the Secretary of State; or
(ii) the Authority”.

New Regulation 87B

60. After Regulation 87A insert—

“Transitory provisions: the third T-4 auction and supplementary auction

87B.—(1) If the Secretary of State determines that a third T-4 auction is to be held, paragraph (7) of regulation 87 has effect as if the reference to the “first T-4 auction” were a reference to the third T-4 auction.

(2) If the Secretary of State determines that a supplementary auction is to be held, paragraph (7) of regulation 87 has effect as if the reference to the “first T-4 auction” were a reference to the supplementary auction.”.