

*These notes refer to the Energy Act 2013 (c.32)  
which received Royal Assent on 18 December 2013*

# ENERGY ACT 2013

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 2: Electricity Market Reform**

#### *Chapter 3: Capacity Market*

#### *Section 36: Enforcement and dispute resolution*

163. This section enables the Secretary of State to make provision in electricity capacity regulations and capacity market rules about enforcement and the resolution of disputes, including conferring functions on any public body or any other person.
164. *Subsection (1)* enables electricity capacity regulations to include provision about enforcement of obligations contained either in the regulations or in capacity market rules, while *subsection (2)* only permits capacity market rules to make provision about the enforcement of obligations contained within the rules.
165. *Subsection (4)* clarifies that such provision can include powers to impose financial penalties, provision for requirements imposed by the regulations or rules to be enforceable by the Authority using the enforcement regime set out in the Electricity Act 1989, for reference to arbitration and for appeals.