
STATUTORY INSTRUMENTS

2024 No. 434

**The Electricity Capacity (Supplier Payment etc.)
(Amendment and Excluded Electricity) Regulations 2024**

PART 1

Introduction

Citation, commencement and extent

- 1.—**(1) These Regulations may be cited as the Electricity Capacity (Supplier Payment etc.) (Amendment and Excluded Electricity) Regulations 2024.
- (2) These Regulations come into force on 1st April 2024.
- (3) These Regulations extend to England and Wales and Scotland.

Interpretation

- 2.—**(1) In these Regulations—

“the Balancing and Settlement Code” means the code for governance of electricity balancing and settlement in Great Britain, as amended from time to time, which is maintained in accordance with the conditions of licences granted under section 6(1)(b) of the Electricity Act 1989 (1);

“the BSCCo” means ELEXON Limited (or any successor to that company acting in the capacity of the BSCCo within the meaning given in the Balancing and Settlement Code);

“BSC volume allocation run” means any one of the following—

- (a) an Initial Volume Allocation Run,
- (b) an Interim Information Volume Allocation Run, or
- (c) a Reconciliation Volume Allocation Run (including a Final Reconciliation Volume Allocation Run or a Post-Final Volume Allocation Run);

“CfD counterparty” means the person or persons designated from time to time as a counterparty for contracts for difference in accordance with section 7 of the Act;

“CM EII excluded electricity” means any amount of electricity determined as such in accordance with regulation 3;

“EII certificate” means a certificate obtained pursuant to and maintained in accordance with Chapter 2 of Part 2 of the Excluded Electricity Regulations;

“EII correction notice” means a notice issued by the Secretary of State pursuant to regulation 12A of the Excluded Electricity Regulations;

(1) 1989 c. 29; section 6(1)(b) was substituted by the Energy Act 2004 (c. 20), section 136(1). There are other amendments to section 6 but none is relevant. The code is accessible on the website of Elexon Limited at <https://www.elexon.co.uk/bsc-and-codes/> (their postal address is 4th Floor, 350 Euston Road London NW1 3AW; their email address is bscservicedesk@cgi.com).

“electricity supplier” means—

- (a) a person supplying electricity to premises in Great Britain under a supply licence; or
- (b) a person who has supplied electricity to premises in Great Britain under a supply licence and who, by virtue of regulation 16 of the Supplier Payment Regulations, is liable to make or entitled to receive a payment following the termination of that supply licence;

“Excluded Electricity Regulations” means the Electricity Supplier Obligations (Amendment & Excluded Electricity) Regulations 2015(2);

“Final Reconciliation Volume Allocation Run” has the meaning given in the Balancing and Settlement Code (see section U of that code);

“Initial Volume Allocation Run” has the meaning given in the Balancing and Settlement Code (see section U of that code);

“Interim Information Volume Allocation Run” has the meaning given in the Balancing and Settlement Code (see section U of that code);

“Post-Final Volume Allocation Run” has the meaning given in the Balancing and Settlement Code (see section U of that code);

“Principal Regulations” means the Electricity Capacity Regulations 2014(3);

“Reconciliation Volume Allocation Run” has the meaning given in the Balancing and Settlement Code (see section U of that code);

“relevant arrangements” has the meaning given by regulation 4;

“Settlement Body” means the person appointed to that position under regulation 80 of the Principal Regulations;

“Supplier Payment Regulations” means the Electricity Capacity (Supplier Payment etc.) Regulations 2014(4);

(2) Any reference in these Regulations to a supply of electricity is a reference to its supply in Great Britain, and “supply” or “supplied” is to be construed in accordance with section 4(4) of the Electricity Act 1989(5).

(2) S.I. 2015/721; relevant amending instruments are S.I. 2017/1051, 2020/130, 2023/415.

(3) S.I. 2014/2043, amended by S.I. 2014/3354, 2015/875, 2015/1974, 2016/742, 2017/1053, 2019/530, 2019/862, 2019/1139, 2020/697, 2020/1470, 2021/901, 2023/860.

(4) S.I. 2014/3354, amended by S.I. 2015/875, 2016/742, 2017/1053, 2022/401; there are other amendments and modifications, but none is relevant.

(5) Section 4(4) was substituted by the Energy Act 2004 (c. 20), section 179(1). There are other amendments to section 4 but none is relevant.