STATUTORY INSTRUMENTS

2016 No. 1246

ELECTRICITY

The Contracts for Difference (Allocation) (Excluded Sites) Amendment Regulations 2016

Made - - - - 14th December 2016

Coming into force in accordance with regulation 1(1)

The Secretary of State has before making these Regulations—

(a) consulted the persons listed in section 24(1)(a) to (g) of the Energy Act 2013(**1**) and such other persons as the Secretary of State considered it appropriate to consult; and

(b) had regard to the matters in section 5(2) of that Act.

In accordance with section 6(8) of that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Accordingly, the Secretary of State, in exercise of the powers conferred by sections 6(1) and (6), 12(1) and (3), 13(1), 19 and 21(1)(b) of the Energy Act 2013, makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as The Contracts for Difference (Allocation) (Excluded Sites) Amendment Regulations 2016 and come into force on the day after the day on which they are made.

(2) These Regulations do not extend to Northern Ireland.

Amendments to the Contract for Difference (Allocation) Regulations 2014

2. The Contracts for Difference (Allocation) Regulations 2014(**2**) are amended as follows.

Amendment to regulation 2

3. In regulation 2 (interpretation), omit the definition of "exclusion period"(**3**).

(**1**) 2013 c. 32.
(**2**) S.I. 2014/2011, as amended by S.I. 2015/981, S.I. 2016/784 and S.I. 2016/1053.
(**3**) The definition of "exclusion period" was inserted by S.I. 2015/981.

Amendment to regulation 14A

4.—(1) Regulation 14A(**4**) (temporary site exclusions and exemption certificates) is amended as follows.

(2) Replace paragraph (1)(b) with the following—

"(b) a CFD was entered into and was subsequently terminated, and either or both of the following circumstances apply—

(i) the CFD was terminated on a date which is earlier than 13 months after the date on which the CFD notification was given in respect of the CFD; or

(ii) the reason for the termination was that the eligible generator failed to achieve the stages for delivery for that CFD unit which were required under the CFD to be met by the date determined in accordance with the CFD as the Milestone Delivery Date;

(each "a non-delivery case").".

(3) In paragraph (2)—

(a) in sub-paragraph (a) replace "eligible generating station" with "CFD unit"; and

(b) replace sub-paragraph (b) with—

"(b) the application is made in—

(i) any allocation round where the commencement date of that round occurs in the period of 13 months beginning with the date on which the relevant CFD notification was given; or

(ii) the first allocation round to have a commencement date occurring between the end of that period and 24 months beginning with the date on which the relevant CFD notification was given.".

(4) In paragraph (6)—

(a) in the definition of "excluded site" replace "eligible generating station" with "CFD unit";

(b) omit the definition of "exclusion period".

Amendment to regulation 14B

5.—(1) Regulation 14B(**5**) (grounds for granting exemption certificates) is amended as follows.

(2) In paragraph (7), replace "or "Relevant Construction Event"" with ", "Relevant Construction Event" or "Sustainability Change in Law"".

(3) In paragraph (8), in the definition of "site A" replace "generating station" with "CFD unit".

Amendment to regulation 14C

6. In regulation 14C(**6**) (requests for exemption certificates), in paragraph (6)(e), replace "generating station" with "CFD unit".

Amendment to regulation 14D

7. In regulation 14D(**7**) (register of sites to which a temporary site exclusion applies), replace paragraph (1)(b) with the following—

"(b) the date on which the CFD notification was given for (as applicable)—

(**4**) Regulation 14A was inserted by S.I. 2015/981.
(**5**) Regulation 14B was inserted by S.I. 2015/981.
(**6**) Regulation 14C was inserted by S.I. 2015/981.
(**7**) Regulation 14D was inserted by S.I. 2015/981.