

ENERGY

ELECTRICITY

MODIFICATIONS TO DOCUMENTS MAINTAINED UNDER LICENCES

The Secretary of State makes the following modifications to documents maintained under licences, in exercise of the power conferred by section 29 of the Nuclear Energy (Financing) Act 2022 (“the Act”).

The Secretary of State has before making these modifications consulted in accordance with section 29(4) of the Act.

Interpretation

- 1 In these modifications, “Balancing and Settlement Code” means the code for the governance of electricity balancing and settlement in Great Britain which is maintained in accordance with the conditions of transmission licences under section 6(1)(b) of the Electricity Act 1989.

Modifications to the Balancing and Settlement Code

- 2 The provisions of the Balancing and Settlement Code are modified in accordance with paragraphs 4 to 7, with effect from 29th February 2024.
- 3 As modified the provisions of each relevant section of the Balancing and Settlement Code shall be comprised in a new version of that section of the Balancing and Settlement Code, which version shall bear the next sequential number after the version which applied immediately before the modifications had effect.
- 4 In Annex C-1, insert new paragraph 5 to read as follows—

“5. Other Settlement Services Provider Activities

5.1 Nuclear RAB Settlement

5.1.1 For the purposes of this paragraph 5:

- (a) **"Nuclear RAB Legal Requirement"** means the Nuclear Energy (Financing) Act 2022 and any rules, regulation, licence, licence condition or Directive made pursuant to, or in connection with, that Act;
- (b) **"Nuclear RAB Settlement Services Provider"** means:
 - (i) the Permitted Affiliate established by BSCCo for the purpose of performing the activities and functions described in paragraphs 1.1 and 1.2 of this Annex C-1; or
 - (ii) any other Permitted Affiliate established by BSCCo for the purpose of delivering Nuclear RAB Settlement Services and which has been appointed to perform such services by the Revenue Collection Counterparty;
- (c) **"Nuclear RAB Settlement Services"** means:

- (i) the calculation, invoicing, reconciliation and, where applicable, settlement of amounts payable or arising pursuant to a Nuclear RAB Legal Requirement;
- (ii) the calculation, collection, administration and enforcement of financial collateral pursuant to a Nuclear RAB Legal Requirement; and
- (iii) any other related matters pursuant to a Nuclear RAB Legal Requirement; and
- (d) **"Revenue Collection Counterparty"** means the person designated to act in that capacity by the Secretary of State from time to time pursuant to the Nuclear Energy (Financing) Act 2022.

5.1.2 The Nuclear RAB Settlement Services Provider may perform (either itself or through a service provider) all activities and functions and assume all responsibilities and duties relating to, or otherwise in connection with the Nuclear RAB Settlement Services (whether specified in any Nuclear RAB Legal Requirement or in a contract between the Settlement Services Provider and the Revenue Collection Counterparty).

5.1.3 In respect of the Nuclear RAB Settlement Services Provider:

- (a) the restrictions, liabilities, rights and obligations in the Code that are applicable to the Permitted Affiliate performing the activities and functions described in paragraphs 1.1 and 1.2 of this Annex C-1 shall apply (mutatis mutandis) to the Nuclear RAB Settlement Services Provider as if:
 - (i) the activities and functions performed pursuant to this paragraph 5 were activities and functions set out in paragraphs 1.1 and 1.2 of this Annex C-1; and
 - (ii) any related reference in the Code to an EMR Settlement Services Provider was therefore deemed to be a reference to the Nuclear RAB Settlement Service Provider and any reference to an EMR Legal Requirement was deemed to be a reference to a Nuclear RAB Legal Requirement; and
- (b) the provisions of paragraph 4 of this Annex C-1 (including paragraph 4.2) shall not apply to the Nuclear RAB Settlement Services Provider or to the activities, functions, responsibilities and duties that may be performed by it under this paragraph 5.”.

5 In Section H, for paragraph 4.1(j)(iv) substitute—

- “(iv) the Capacity Market Rules;
- (v) any Nuclear RAB Legal Requirement.”.

6 In Section V, insert new paragraph 5.5 to read as follows—

“5.5 Nuclear RAB Data

5.5.1 The background to this paragraph is that the Revenue Collection Counterparty and the Nuclear RAB Settlement Services Provider perform functions, services and activities, pursuant to Nuclear RAB Legal Requirements, which require data, information and reports produced for Settlement.

5.5.2 Accordingly, and without prejudice to Section H11, BSCCo must provide (or procure that a BSC Agent provides) to the Revenue Collection Counterparty and the Nuclear RAB Settlement Services Provider whatever such data, information and reports they reasonably require in order to perform those functions, services and activities.”

7 In Annex X-1, at the appropriate place insert the following new definitions—

“ Nuclear RAB Legal Requirement ”:	has the meaning given to that term in paragraph 5.1.1 of Annex C-1;”;
“ Nuclear RAB Settlement Services ”:	has the meaning given to that term in paragraph 5.1.1 of Annex C-1;”;
“ Nuclear RAB Settlement Services Provider ”:	has the meaning given to that term in paragraph 5.1.1 of Annex C-1;”;
“ Revenue Collection Counterparty ”:	has the meaning given to that term in paragraph 5.1.1 of Annex C-1;”.



Date: 21st February 2024

THE RT HON CLAIRE COUTINHO MP
Secretary of State for Energy Security and Net Zero