Draft Regulations laid before Parliament under section 6(8)(b) of the Energy Act 2013 (c. 32), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2026 No.

ELECTRICITY

The Contracts for Difference (Allocation) (Amendment) Regulations 2026

Made - - - - ***

Coming into force in accordance with regulation 1(2)

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(**a**) 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)(b) 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), (2) and (8), and 16 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) (Amendment) Regulations 2026.

(2) These Regulations come into force on the day after the day on which they are made.

(3) These Regulations extend to England and Wales and Scotland.

Amendments to the Contracts for Difference (Allocation) Regulations 2014

2. The Contracts for Difference (Allocation) Regulations 2014(**b**) are amended in accordance with these Regulations.

(**a**) 2013 c. 32.
(**b**) S.I. 2014/2011; amending instruments are S.I. 2015/981; 2016/784; 2016/1053; 2016/1246; 2018/895; 2021/758; 2022/691; 2022/842; 2024/710; 2025/25; 2025/903 and 2026/411.

Amendment to regulation 20 (reviews of non-qualification determinations)

3.—(1) Regulation 20 is amended as follows.

(2) In paragraph (2)(a), for "(6)" substitute "(6)(a)".

(3) In paragraph (2)(c), at the beginning insert "subject to paragraph (6)(b),".

(4) In paragraph (5), for "(6)" substitute "(6)(a)".

(5) In paragraph (6)—

(a) the words from "provide" to the end become paragraph (a);

(b) at the end of that paragraph insert "; and

"(b) permit a review notice to contain documentary evidence or information of a description specified in the contract allocation framework.".

Insertion of regulation 20A

4. After regulation 20, insert—

"Delivery body error in notices of determinations

20A—(1) The delivery body may, if provided for in the contract allocation framework which applies to the allocation round, give—

(a) to an applicant who has received a non-qualification determination, an amended non-qualification determination; and

(b) to an applicant who has received a notice stating that the application made by the applicant is a qualifying application under regulation 19, a non-qualification determination.

(2) If the contract allocation framework which applies to the allocation round provides for determinations to be given under paragraph (1)(a) or (b), it may also provide for regulations 19, 20, 21, 29, 31, 32, 33, 49, 50 and 51 to apply with such modifications as the Secretary of State considers appropriate to take account of such determinations.".

Amendment to regulation 49 (application of this Part)

5. In regulation 49, for paragraph (1) substitute—

"(1) This Part applies where, at the time that the contract allocation process for the allocation round commences—

(a) an applicant has in accordance with regulations 43 and 44 made a qualification appeal in respect of an application and that appeal has not been determined;

(b) an applicant has in accordance with regulations 43 and 44 made a qualification appeal in respect of an application and the Authority has upheld the non-qualification determination but the time to appeal referred to in regulation 47(2) has not expired; or

(c) an applicant has in accordance with regulation 47 made an appeal to the High Court or the Court of Session in respect of an application and that appeal has not been determined by the relevant court.".

Amendment to regulation 50 (strike price bids)

6.—(1) Regulation 50 is amended as follows.

(2) At the end of paragraph (2)(a), insert "and".

(3) In paragraph (2)(b), for "process; and" substitute "process.".

(4) Omit paragraph (2)(c).

Amendment to regulation 51 (successful applications determined by the Authority)

7.—(1) Regulation 51 is amended as follows.

(2) For paragraph (1B)(a) (but not the "and" after it), substitute—

"(a) re-run such part of the contract allocation process as is necessary to determine whether the applicant's pending application is a successful application;".

(3) For paragraph (3) substitute—

"(3) Where—

(a) after a proceed notice has been given, the delivery body receives a notice from the Authority in accordance with regulation 46(3) which states that the determination of the Authority is that an application is a qualifying application; and

(b) no direction has been given under regulation 38(1)(a) within the period specified in regulation 38(2),

the delivery body must determine whether or not the pending application is a successful application in accordance with the contract allocation framework for the allocation round.".

Amendment to regulation 54 (allocation reports)

8.—(1) Regulation 54 is amended as follows.

(2) In paragraph (2)(e), after "paragraph (3)" insert "and paragraph (3A)".

(3) After paragraph (3), insert—

"(3A) The Secretary of State must not direct the delivery body to provide the content of any pending bid.".

Minister for Energy
Department for Energy Security and Net Zero

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Contracts for Difference (Allocation) Regulations 2014 (S.I. 2014/2011) ("Allocation Regulations"). The Allocation Regulations form part of the legislative framework underpinning the Contracts for Difference scheme under Chapter 2 of Part 2 of the Energy Act 2013. These Regulations concern the arrangements for determining whether renewables projects qualify for a Contract for Difference and the procedure where qualification appeals are pending when the process of allocating contracts begins.

Regulation 3 permits a review notice, which is a notice requesting the delivery body to review a non-qualification determination, to contain documentary evidence or information of a description specified in the contract allocation framework which applies to an allocation round.

Regulation 4 allows the delivery body, if provided for in the contract allocation framework which applies to an allocation round, to issue amended non-qualification determinations to applicants who have already received a notice under regulation 19 stating that their application is qualifying or non-qualifying. Regulation 4 also allows the contract allocation framework to provide for regulations 19, 20, 21, 29, 31, 32, 33, 49, 50 and 51 to apply with such modifications as the Secretary of State considers appropriate to take account of such amended determinations.

Regulation 5 expands the existing definition of a 'pending applicant' who may submit a 'pending bid' to include applicants who have had a non-qualification determination upheld by the Authority in a qualification appeal but the time to appeal to the High Court or Court of Session has not yet expired, and applicants who have filed an appeal in High Court or Court of Session with respect to a decision by the Authority to uphold a non-qualification determination and that Court appeal has not been determined.

Regulation 6 removes the requirement placed on the delivery body to ensure that it does not become aware of the content of a pending bid.

Regulation 7 amends the existing requirement for the delivery body to re-run the allocation process if a pending applicant becomes a qualifying applicant after a proceed notice is issued by the delivery body. It clarifies that the delivery body only needs to re-run such part of the contract allocation process as is necessary to determine whether a pending application is a successful application. Regulation 7 also clarifies that where a pending application is determined to be a qualifying application after a proceed notice has been issued, and the period in which the Secretary of State could issue a re-run direction or halt direction has expired, the delivery body must then determine whether or not the pending application is a successful application in accordance with the contract allocation framework.

Regulation 8 limits the information that the Secretary of State can direct the delivery body to provide under regulation 54 of the Allocation Regulations by stating that the Secretary of State must not direct the delivery body to provide the content of any pending bid.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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