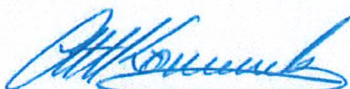


Electricity Industry Participation Code Amendment (Part 6A Dispensation for Specified Persons) 2024

Under section 38 of the Electricity Industry Act 2010, and having complied with section 39 of that Act, I make the following amendment to the Electricity Industry Participation Code 2010.

At Wellington on the 16th day of January 2024

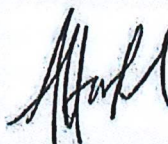


Anna Kominik
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21 December 2023

21 December 2023

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Amendment

- 1 Title**
This is the Electricity Industry Participation Code Amendment (Part 6A Dispensation for Specified Persons) 2024.
- 2 Commencement and revocation of urgent amendment**
 - (1) This amendment comes into force on 1 March 2024.
 - (2) The Electricity Industry Participation Code Amendment (Part 6A Dispensation for Specified Persons) 2023 is revoked from 11:59pm on 29 February 2024.

3 Code amended

This amendment amends the Electricity Industry Participation Code 2010.

4 Clause 1.1 amended (Interpretation)

In clause 1.1(1), insert in their appropriate alphabetical order:

"Part 6A dispensation means an exclusion from compliance with Part 6A or any provisions of Part 6A granted by the Authority in accordance with the process set out in clause 6A.9

"specified person has the meaning given in section 32(6) of the Act".

5 New cross heading and clause 6A.9 inserted

After clause 6A.8, insert:

"Part 6A dispensations

"6A.9 Authority may grant Part 6A dispensation to specified person)

- (1) A **specified person** may apply to the Authority for a **Part 6A dispensation** in respect of their involvement in two or more classes of **participant** that are the subject of this Part, or specific provisions of this Part.
- (2) The application must be submitted in the form and by the means specified by the Authority.
- (3) Where the Authority receives an application under this clause, it may grant a **Part 6A dispensation** to a **specified person** if the Authority is satisfied that—
 - (a) it is not necessary, for the purpose of achieving the Authority's objectives under section 15 of the Act, for the **specified person** to comply with this Part or the specific provisions of this Part; or
 - (b) granting a **Part 6A dispensation** in respect of the **specified person** would better achieve the Authority's objectives than requiring compliance.
- (4) The Authority must give reasons for its decision under subclause (3).
- (5) The Authority may grant a **Part 6A dispensation** on any terms or conditions that it reasonably considers are necessary.
- (6) The Authority may amend or revoke a **Part 6A dispensation** granted under subclause (3) by issuing a notice that identifies the **specified person** subject to the **Part 6A dispensation** and gives reasons for the amendment or revocation, but only if the Authority—
 - (a) has given notice of the proposed amendment or revocation to the **specified person** subject to the **Part 6A dispensation** and given them a reasonable opportunity to comment; and
 - (b) in relation to an amendment, is satisfied that the amendment is necessary or desirable for the purpose of achieving the Authority's objectives in section 15 of the Act; and
 - (c) in relation to a revocation, is no longer satisfied of the matters in subclause (3).
- (7) The Authority must publish a list of all current **Part 6A dispensations** granted under this clause."

Explanatory Note

This note is not part of the amendment, but is intended to indicate its general effect.

This amendment to the Electricity Industry Participation Code 2010 (“Code”) comes into force on 1 March 2024.

The amendment revokes and replaces, with minor changes, amendments which were previously made urgently in August 2023, under the Electricity Industry Participation Code Amendment (Part 6A Dispensation for Specified Persons) 2023 (“urgent amendment”), and which would otherwise expire 9 months after the date the urgent amendment came into force.

The amendment provides for the continuation of a dispensation scheme in relation to Part 6A of the Code. The amendment enables the Authority to grant a dispensation in respect of a specified person from the obligation to comply with Part 6A of the Code in appropriate cases and subject to any conditions the Authority considers reasonably necessary.
