

Form of Waiver: Energy Market Participant

Power

1. This *waiver* is given by the *FCA* under section 138A of the *Act* (Modification and waiver of rules).

Authorised person to whom this waiver applies

2. This *waiver* applies to (the “firm”).

Guidance Note

In addition to the provisions of this *waiver*, the following special application provisions in the *Handbook* will apply to the firm because it is an *energy market participant*: *COBS* 18.2 and *SUP* 3.1.2R, *SUP* 10.1.21R and *SUP* 10.1.22G.

Term

3. (1) This *waiver* takes effect from the date of this notice.
- (2) However, if the firm is not then an *energy market participant*, this *waiver* takes effect only when the firm becomes one.
- (3) This *waiver* ends when the firm first stops being an *energy market participant*.

Waiver: Capital and financial reporting requirements¹

4. The *FCA* directs that the parts of the *Handbook* mentioned in the table do not apply to the firm, if the firm satisfies both the following conditions:
 - (1) the firm’s main business consists of the generation, production, storage, distribution, and/or transmission of *energy*; and
 - (2) the firm does not engage in *oil market activity* as a member of a *recognised investment exchange* or *designated investment exchange* which is under the rules of that exchange entitled to trade with other members.

Table:

Part of Handbook	Waiver
<i>IPRU(INV)</i> 3	<i>IPRU(INV)</i> 3 (Financial resources for Securities and Futures Firms which are not Investment Firms) does not apply to the firm if the firm satisfies both the conditions in this clause.
¹ For whether this clause would be inserted in a particular case see <i>SUP</i> 21.1.4.	
Part of Handbook	Waiver
<i>SUP</i> 16.7	<i>SUP</i> 16.7 (Financial reports) does not apply to the firm if the firm satisfies both the conditions in this clause.

Guidance Notes

An *energy market participant* to which *IPRU(INV)* 3 does not apply is still subject to the requirement of *Principle* 4 to have adequate financial resources.

The conditions in this clause are imposed under s. 138A(6) of the *Act*. For *guidance* on the effect of conditions attached to a *waiver*, see *SUP* 8.4.1G(2).

Interpretation

6. Unless the contrary intention appears, interpretative provisions in *GEN* 2 (Interpreting the Handbook) apply to this *waiver* in the same way they apply to the *Handbook*.

Guidance Note

Defined terms in this *waiver* (other than the term “the firm”) are italicised.