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STATUTORY INSTRUMENTS

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**2009 No. 1340**

**The Electricity (Competitive Tenders for Offshore  
Transmission Licences) Regulations 2009**

**PART 1**

**INTRODUCTORY**

**Citation and commencement**

1.—(1) These Regulations may be cited as the Electricity (Competitive Tenders for Offshore Transmission Licences) Regulations 2009 and shall come into force on 2 June 2009.

**Interpretation**

2.—(1) In these Regulations—

“the 1989 Act” means the Electricity Act 1989;

“applicant” means any person who submits a pre-qualification questionnaire to the Authority in accordance with these Regulations;

“the Authority” means the Gas and Electricity Markets Authority;

“best and final offer” means a submission by a qualifying bidder to the Authority in response to the best and final offer documentation sent in accordance with regulation 15(3);

“bidder group” means two or more persons approved by the Authority acting together for the purposes of any submission to the Authority in accordance with these Regulations;

“connection offer” means an offer by the holder of a co-ordination licence of a connection to or modification of a connection to the transmission system;

“cost recovery methodology” means the methodology for calculating and recovering the Authority’s tender costs in relation to a particular tender exercise published by the Authority in accordance with regulation 23(2);

“data room” means a secure store of information in respect of a qualifying project to be maintained by the Authority;

“developer” means any person within section 6D(2)(a) of the 1989 Act;

“entry conditions” means the conditions specified in paragraph 1 or 2 of Schedule 2;

“information memorandum” means a memorandum of that description issued by the Authority to a qualifying applicant containing in summary form information in respect of a qualifying project;

“preferred bidder” has the meaning given in paragraph 35(1) of Schedule 2A to the 1989 Act;

“pre-qualification questionnaire” means a questionnaire of that description published by the Authority in accordance with regulation 9(2);

“qualification to tender questionnaire” means a questionnaire of that description published by the Authority in accordance with regulation 9(2);

“qualifying applicant” means an applicant determined as a qualifying applicant in accordance with regulation 10(2);

“qualifying bidder” means a qualifying applicant determined as a qualifying bidder in accordance with regulation 12(1);

“qualifying project” means a project as determined in accordance with regulation 5(3);

“reserve bidder” means a qualifying bidder determined as a reserve bidder in accordance with regulation 15(5) in relation to the best and final offer stage or regulation 14(4) in any other case;

“security” includes a charge over a bank account or any other asset, a deposit of money, a performance bond or bank guarantee, an insurance policy or a letter of credit;

“tender” means a submission by a qualifying bidder to the Authority in response to the invitation to tender documentation sent in accordance with regulation 13(2);

“tender rules” means the rules in relation to a particular tender exercise published by the Authority in accordance with regulation 7(4);

“transfer agreement” means the agreement to transfer any property, rights or liabilities in or relating to transmission assets from a developer to a successful bidder in respect of a particular qualifying project;

“transmission assets” has the meaning given in paragraph 1(3)(a) of Schedule 2A to the 1989 Act; and

“transmission services” has the meaning given in the standard conditions of a transmission licence.

(2) Any notice required to be given by the Authority in accordance with these Regulations shall be given by publication in such manner as the Authority considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them.