
STATUTORY INSTRUMENTS

2009 No. 1340

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

PART 14

COST RECOVERY

Recovery of tender costs

23.—(1) The Authority shall recover its tender costs in relation to a tender exercise undertaken in accordance with these Regulations.

(2) The Authority shall publish its cost recovery methodology no later than the date on which the tender exercise is to be commenced as specified in a notice published in accordance with regulation 7.

(3) The Authority shall give notice to the developer in respect of any payment or security required in accordance with these Regulations of—

- (a) the amount of the payment or the nature of the security;
- (b) the date and time by which it is to be made or provided; and
- (c) the manner in which it is to be made or provided,

as calculated in accordance with the Authority's cost recovery methodology in accordance with paragraph (2).

(4) The Authority shall give notice to an applicant, qualifying bidder, preferred bidder or successful bidder in respect of any payment required in accordance with these Regulations of—

- (a) the amount of the payment;
- (b) the date and time by which it is to be made; and
- (c) the manner in which it is to be made,

as calculated in accordance with the Authority's cost recovery methodology in accordance with paragraph (2).

(5) As soon as reasonably practicable after a tender exercise is finished, the Authority shall—

- (a) calculate its total tender costs in relation to that particular tender exercise; and
- (b) undertake an aggregation of—
 - (i) the payments made in accordance with these Regulations by a developer, applicant, qualifying bidder, preferred bidder or successful bidder and not repaid; and
 - (ii) the value of any security forfeited in accordance with these Regulations by the developer or person approved by the Authority with whom the developer has made arrangements in accordance with regulation 6(1)(b),

in order to identify whether the total of the payments made and the security provided exceeds the Authority's total tender costs in respect of that particular tender exercise.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(6) Where the total amount identified as a result of the aggregation undertaken in accordance with paragraph (5)(b) exceeds the total tender costs incurred by the Authority in respect of that particular tender exercise, the Authority shall as soon as reasonably practicable after that tender exercise is finished—

- (a) repay wholly or in part any payment that has been made which exceeds the tender costs to any person in paragraph (5)(b)(i) who made the payment, including any interest which may have been accrued on the whole or part of that payment; and
- (b) release wholly or in part the security that has been provided which exceeds the tender costs to any person in paragraph (5)(b)(ii) who provided that security, including any interest which may have been accrued where that security provided is a monetary deposit,

in accordance with the Authority's cost recovery methodology in relation to that tender exercise, so as to ensure that the Authority's total tender costs have not been exceeded.