
STATUTORY INSTRUMENTS

2010 No. 1903

**The Electricity (Competitive Tenders for Offshore
Transmission Licences) Regulations 2010**

PART 1

INTRODUCTORY

Citation and commencement

1.—(1) These Regulations may be cited as the Electricity (Competitive Tenders for Offshore Transmission Licences) Regulations 2010 and shall come into force on 29th July 2010.

Revocation

2.—(1) The Electricity (Competitive Tenders for Offshore Transmission Licences) Regulations 2009 (“the 2009 Regulations”) are hereby revoked⁽¹⁾.

Interpretation

3.—(1) In these Regulations –

“the 1989 Act” means the Electricity Act 1989;

“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 issued in accordance with regulation 17(3);

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

“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;

“confidentiality agreement” means the standard form agreement between a developer and a qualifying bidder in respect of confidential information disclosed in connection with a tender exercise;

“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 9(4);

“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;

(1) [S.I. 2009/1340](#).

“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 bidder 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 11(1);

“qualification to tender questionnaire” means a questionnaire of that description published by the Authority in accordance with regulation 13(2);

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

“qualifying project” means a project as determined in accordance with regulation 6(3);

“reserve bidder” means a qualifying bidder determined as a reserve bidder in accordance with regulation 17(5) in relation to the best and final offer stage or regulation 16(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 issued in accordance with regulation 15(2);

“tender rules” means the rules in relation to a particular tender exercise published by the Authority in accordance with regulation 9(4);

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

“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.