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STATUTORY INSTRUMENTS

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**2014 No. 2011**

**The Contracts for Difference (Allocation) Regulations 2014**

**PART 8**

**Pending applications**

**Successful applications determined by the Authority**

**51.**—(1) This regulation applies where the Authority determines that a pending application is a qualifying application after the allocation process for the allocation round commenced.

(2) Where the allocation process, or such part of it as applies to equivalent applications, is to be re-run further to Chapter 4 or 5 of Part 5, the delivery body must ensure that the re-run process includes any pending application which is determined as a qualifying application.

(3) Where the determination of a pending application as a qualifying application is made after Part 6 applies, the delivery body must determine whether or not the pending application is a successful application.

(4) Subject to paragraph (5), paragraph (6) applies where—

- (a) a variation notice was not required to be given when the allocation process commenced and a period of more than 5 months has expired since the application closing date; or
- (b) a variation notice was required to be given when the allocation process commenced and a period of more than 5 months has expired since the date on which the variation notice was required to be given.

(5) The allocation framework for the allocation round may provide for a period other than “5 months” stated in paragraph (4)(a) or (b) and where such other period is provided, paragraph (4) has effect with that modification.

(6) Where this paragraph applies—

- (a) the delivery body must give a notice to the pending applicant stating that the information provided in compliance with paragraph 3(a)(iv) of Schedule 1 (“the target dates”) may be varied by the applicant;
- (b) if the pending applicant wishes to vary the target dates, the applicant must do so by giving a notice to the delivery body with any varied target dates by no later than 5 working days after the date of the variation notice; and
- (c) if such varied target dates are provided, the delivery body must make the determination under paragraph (3) using the varied target dates.

(7) The delivery body must make the determination required by paragraph (3) having regard to any pending bid made by the pending applicant, except any flexible bid.

(8) Where a pending application is a successful application, the delivery body must comply with regulation 43(2) in respect of that application.

(9) Paragraph (8) applies notwithstanding that the overall budget for the allocation round may be exceeded by reason of giving a CFD notification in respect of the pending application.

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

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(10) In paragraph (7), “flexible bid” means a bid, where it is permitted under the allocation framework, in which the applicant specifies—

- (a) the first delivery year as a year after the first delivery year set out in the applicant’s application; or
- (b) the amount of electricity to be generated as an amount which is less than the amount set out in the applicant’s application.