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STATUTORY INSTRUMENTS

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**2018 No. 86**

The Wireless Telegraphy (Licence Award) Regulations 2018

PART 9

Activity rules

**Bids made by an excluded bidder**

**113.**—(1) Subject to regulation 114, where a bidder is excluded from the award process under regulation 112 during the principal stage, OFCOM shall determine whether it should disregard the bids (and other bidding indications made on its principal stage form) made in any principal stage rounds prior to the exclusion, in order to have a fair and efficient outcome to the award process.

(2) Where OFCOM determine that it is appropriate to disregard the bids (and other bidding indications) made in any principal stage rounds—

- (a) it shall notify bidders of the rounds for which it has determined to disregard the bids (and other bidding indications); and
- (b) resume the award process from the start of the principal stage round after the round for which bids are not disregarded under sub-paragraph (a), or, where all bids are to be disregarded under that sub-paragraph, to rerun the award process from the start of the first principal stage round.

(3) Subject to regulation 114, where a bidder is excluded from the award process under regulation 112 during the assignment stage—

- (a) OFCOM shall determine whether it should disregard the bids (and other bidding indications) made in any principal stage round prior to the exclusion in accordance with paragraphs (1) and (2); and
- (b) all of the assignment stage bids made by the bidder shall not be taken into consideration for the purposes of determining—
  - (i) the winning assignment stage bids under regulations 75 and 81;
  - (ii) the additional price payable by a winning bidder under regulations 76 and 84.