

SCHEDULE 2

Regulation 11

ENTRY CONDITIONS

1. The conditions in this paragraph are that the developer has—
 - (a) provided information to the Authority’s satisfaction to enable the Authority to both issue an information memorandum and establish a data room;
 - (b) provided an undertaking in writing to the Authority that where the information provided in sub-paragraph (a) has changed, or where new relevant information becomes available, the developer will provide that information to the Authority;
 - (c) provided a written warranty to the Authority, in a form reasonably acceptable to the Authority, that any information provided pursuant to sub-paragraph (a) or (b) is to the best of the knowledge and belief of the developer, having made reasonable enquiries, true, accurate and complete and is not misleading in all material respects;
 - (d) signed the confidentiality agreement;
 - (e) provided an undertaking in writing to the Authority to obtain the notified preliminary works and ensure that any preliminary works which are capable of being assignable to the successful bidder are so assignable;
 - (f) provided to the Authority the preliminary works transfer agreement completed, as far as possible, with all relevant information available to the developer and provided an undertaking in writing to the Authority to continue to complete the preliminary works transfer agreement with all relevant information;
 - (g) provided to the Authority a copy of each construction phase contract, if any, ready for execution or novation or otherwise completed, as far as possible;
 - (h) provided an undertaking in writing to the Authority to assist the Authority during any evaluation pursuant to regulations 19(1), 19(3), 20(4) and 20(5);
 - (i) provided an undertaking in writing to the Authority to respond to all queries from the Authority within a reasonable period, whether arising from the Authority or forwarded by the Authority on behalf of a third party;
 - (j) provided to the Authority a system specification in respect of the transmission assets completed, as far as possible, with all relevant information available to the developer and provided an undertaking in writing to the Authority to continue to complete the system specification with all relevant information;
 - (k) provided an undertaking in writing to the Authority that in the event that the developer decides to participate in any stage of a tender exercise as a bidder or qualifying bidder in respect of a qualifying project for which it is the developer, it will put in place and maintain appropriate internal information barriers to the satisfaction of the Authority, in order to prevent information passing between the developer and the bidder or qualifying bidder as the case may be;
 - (l) provided an undertaking in writing to the Authority to provide reports as required to the Authority in connection with the development of the relevant generating station and the qualifying project;
 - (m) provided an undertaking in writing to the Authority to carry out its activities in respect of the qualifying project in an efficient manner including making available all necessary management, technical, commercial and legal resources for the purposes of facilitating the making of the Authority’s determination to grant an offshore transmission licence to the successful bidder; and
 - (n) complied with such other conditions as the Authority may determine are necessary in relation to that particular qualifying project.

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

2. The conditions in this paragraph are that the developer has—
 - (a) provided information to the Authority’s satisfaction to enable the Authority to both issue an information memorandum and establish a data room;
 - (b) provided an undertaking in writing to the Authority that where the information provided in sub-paragraph (a) has changed, or where new relevant information becomes available, the developer will provide that information to the Authority;
 - (c) provided a written warranty to the Authority, in a form reasonably acceptable to the Authority, that any information provided pursuant to sub-paragraph (a) or (b) is to the best of the knowledge and belief of the developer, having made reasonable enquiries, true, accurate and complete and is not misleading in all material respects;
 - (d) signed the confidentiality agreement;
 - (e) provided to the Authority the transfer agreement completed, as far as possible, with all relevant information available to the developer, and provided an undertaking in writing to the Authority to continue to complete the transfer agreement with all relevant information;
 - (f) provided an undertaking in writing to the Authority that in the event that the developer decides to participate in any stage of a tender exercise as a bidder or qualifying bidder in respect of a qualifying project for which it is the developer, it will put in place and maintain appropriate internal information barriers to the satisfaction of the Authority, in order to prevent information passing between the developer and the bidder or qualifying bidder as the case may be;
 - (g) provided an undertaking in writing to the Authority to respond to all queries from the Authority within a reasonable period, whether arising from the Authority or forwarded by the Authority on behalf of a third party;
 - (h) provided an undertaking in writing to the Authority to provide reports as required to the Authority in connection with the development of the relevant generating station and the qualifying project;
 - (i) provided an undertaking in writing to the Authority to carry out its activities in respect of the qualifying project in an efficient manner including making available all necessary management, technical, commercial and legal resources for the purposes of facilitating the making of the Authority’s determination to grant an offshore transmission licence to the successful bidder; and
 - (j) complied with such other conditions as the Authority may determine are necessary in relation to that particular qualifying project.