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STATUTORY INSTRUMENTS

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**2009 No. 1340**

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

**PART 3**

**QUALIFYING PROJECTS AND DEVELOPER'S PAYMENT AND SECURITY**

**Qualifying projects**

5.—(1) A developer who wishes the Authority to publish a notice in accordance with regulation 7 in order to commence a tender exercise, shall make a request to that effect in writing to the Authority.

(2) Where the Authority has received one or more requests in accordance with paragraph (1), the Authority shall, as soon as reasonably practicable thereafter, determine whether each of those requests relate to a qualifying project.

(3) A qualifying project is a project of which the Authority is satisfied—

(a) in the case of a transitional tender exercise, it is one where either—

(i) the requirements specified in paragraph 2 of Schedule 1 have been met; or

(ii) the provision specified in paragraph 3 of Schedule 1 applies; or

(b) in any other case, it is one where the requirements specified in paragraph 1 of Schedule 1 have been met.

(4) For the purposes specified in paragraph (3)(b), the Authority may determine that the requirement in paragraph 1(a) of Schedule 1 is met where—

(a) the connection offer has been referred to the Authority for determination in accordance with the provisions of a transmission licence; and

(b) the matter that has been referred to the Authority would not, in the opinion of the Authority, have a material impact on the design of the changes required to be made to the transmission system as specified in that connection offer.

(5) The Authority may request the developer to provide any other information it considers necessary in order to carry out its assessment in relation to paragraphs 1, 2 or 3 of Schedule 1.

(6) Where the Authority determines that a request relates to a qualifying project in accordance with paragraph (2), it shall give notice of that fact to the developer who made the request.

(7) Where the Authority determines that a request does not relate to a qualifying project in accordance with paragraph (2), it shall give notice of that fact to the developer who made the request and give reasons for its determination.

(8) Where the developer disagrees with the Authority's determination as notified to the developer in accordance with paragraph (7), the developer may make representations in writing to the Authority within seven days from receipt of the notice.

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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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(9) The Authority shall consider any representations received from a developer in accordance with paragraph (8) and decide whether to amend its determination made in accordance with paragraph (2).

(10) The Authority shall give notice to the developer of the decision made in accordance with paragraph (9) and give reasons for its decision.