

---

STATUTORY INSTRUMENTS

---

**2012 No. 2414**

**The Electricity and Gas (Competitive Tenders for Smart Meter Communication Licences) Regulations 2012**

**PART 1**

**Introductory**

**Citation and commencement**

1. These Regulations may be cited as the Electricity and Gas (Competitive Tenders for Smart Meter Communication Licences) Regulations 2012 and shall come into force on 12th October 2012.

**Interpretation**

2. In these Regulations—

“best and final offer” means a submission by a qualifying bidder to the competent authority in response to the best and final offer documentation;

“best and final offer documentation” means the documentation in respect of the best and final offer stage of a tender exercise issued in accordance with regulation 13(3);

“bidder” means any person or bidder group that submits a qualification questionnaire to the competent authority in accordance with these Regulations;

“bidder group” means two or more persons acting together for the purposes of any submission to the competent authority in accordance with these Regulations;

“competent authority”, in relation to a tender exercise, means the person determined in accordance with regulation 5;

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

“electricity smart meter communication licence” means a smart meter communication licence as that term is defined in section 6(1)(f) of the Electricity Act 1989<sup>(1)</sup>;

“first reserve applicant” means a reserve applicant determined as first reserve applicant in accordance with regulation 16(4) in relation to the best and final offer stage or in accordance with regulation 12(6) in any other case;

“gas smart meter communication licence” means a smart meter communication licence as that term is defined in section 7AB(1) of the Gas Act 1986<sup>(2)</sup>;

“preferred applicant” means a qualifying bidder determined as preferred applicant in accordance with regulation 16(1) in relation to the best and final offer stage or in accordance with regulation 12(1) in any other case;

---

(1) 1989 c. 29. Section 6(1)(f) was inserted by S.I. 2012/2400.

(2) 1986 c. 44. Section 7AB was inserted by S.I. 2012/2400.

“proposal” means a submission by a qualifying bidder to the competent authority in response to the proposal documentation;

“proposal documentation” means the documentation in respect of the proposal stage of a tender exercise issued in accordance with regulation 10(1);

“qualification documentation” means the documentation in respect of the qualification stage of a tender exercise issued in accordance with regulation 8(1);

“qualification questionnaire” means a questionnaire of that description published by the competent authority in accordance with regulation 8(1);

“qualifying bidder” means a bidder determined as a qualifying bidder in accordance with regulation 9(1);

“regulated business information” means information relating to the—

- (a) regulatory requirements; and
- (b) commercial arrangements,

which will apply to the person to whom the gas smart meter licence and the electricity smart meter licence are granted;

“reserve applicant” means a qualifying bidder determined as a reserve applicant in accordance with regulation 16(2) in relation to the best and final offer stage or regulation 12(4) in any other case;

“second reserve applicant” means a reserve applicant determined as second reserve applicant in accordance with regulation 16(4) in relation to the best and final offer stage or regulation 12(6) in any other case;

“selected qualifying bidder” means a qualifying bidder who is selected to be invited to participate in a best and final offer stage in accordance with regulation 13(1);

“smart meter communication service” means the activities described in section 4(3G) of the Electricity Act 1989<sup>(3)</sup> and section 5(11) of the Gas Act 1986<sup>(4)</sup> that are to be performed by the person to whom an electricity smart meter communication licence and a gas smart meter communication licence is granted, in accordance with the conditions of those licences;

“successful applicant” means a preferred applicant who becomes the successful applicant in accordance with regulation 18(1);

“tender exercise” means a process carried out in accordance with these regulations with a view to determining the person to whom both an electricity smart meter communication licence and a gas smart meter communication licence are to be granted; and

“tender participant” means a bidder, qualifying bidder (including a qualifying bidder who is also a selected qualifying bidder), preferred applicant, reserve applicant or successful applicant.

---

(3) 1989 c. 29. Section 4(3G) was inserted by S.I. 2012/2400.

(4) 1986 c. 44. Section 5(11) was inserted by S.I. 2012/2400.