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STATUTORY INSTRUMENTS

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**2012 No. 2414**

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

**PART 3**

**Conduct of a tender exercise**

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5.—(1) Subject to paragraph (2), the Secretary of State is the competent authority with respect to a tender exercise.

(2) The Authority is the competent authority with respect to a tender exercise where either the condition in paragraph (3) or the condition in paragraph (4) is satisfied.

(3) The condition in this paragraph is satisfied where the tender exercise is commenced on or after 2nd November 2018.

(4) The condition in this paragraph is satisfied where on or before 1st November 2018 the Secretary of State directs that in respect of a particular tender exercise, the Authority is to be the competent authority.

(5) A direction under paragraph (4) may only be given prior to the publication of the notice required under regulation 7(2).

(6) Where a direction under paragraph (4) is given—

- (a) regulation 7(1)(a) does not apply with respect to the Authority and the tender exercise to which the notice refers;
- (b) the Authority must conduct that tender exercise; and
- (c) the Authority may conduct that tender exercise in any manner which is in accordance with these Regulations.