

---

STATUTORY INSTRUMENTS

---

**2015 No. 1555**

**The Electricity (Competitive Tenders for Offshore  
Transmission Licences) Regulations 2015**

**PART 14**

**RE-RUN, CANCELLATION AND TREATMENT OF  
PAYMENTS AND SECURITY ON CANCELLATION**

**Re-run, and re-run leading to cancellation**

**24.**—(1) Where the Authority is satisfied that any of the events in Schedule 7 are occurring or have occurred in respect of a qualifying project, it may re-run that tender exercise from the beginning or from a particular stage in accordance with these Regulations.

(2) In the event that no preferred bidder, reserve bidder or successful bidder is or can be determined pursuant to a tender exercise run as a consequence of a decision taken in accordance with paragraph (1), the Authority may—

- (a) further re-run that tender exercise from the beginning or from a particular stage in accordance with these Regulations; or
- (b) determine that the tender exercise is to be cancelled from the tender round.

(3) Where the Authority determines that the tender exercise is to be cancelled in accordance with paragraph (2)(b), it may, in the circumstances specified in paragraph (4), publish a notice cancelling that tender exercise from the tender round.

(4) The circumstances in which the Authority may publish a notice in accordance with paragraph (3) are that the Authority has—

- (a) given seven days notice of its intention to cancel the tender exercise from the tender round; and
- (b) considered any representations which have been duly made in relation to the notice published in accordance with sub-paragraph (a).

(5) Where the Authority has published a notice in accordance with paragraph (3), that tender exercise is finished.

**Cancellation**

**25.**—(1) Where the Authority is satisfied that any of the events in Schedule 8 are occurring or have occurred in respect of a qualifying project, it may, in the circumstances specified in paragraph (2), publish a notice cancelling that tender exercise from the tender round.

(2) The circumstances in which the Authority may publish a notice in accordance with paragraph (1) are that the Authority has—

- (a) given seven days' notice of its intention to cancel the tender exercise from the tender round; and

(b) considered any representations which have been duly made in relation to the notice published in accordance with sub-paragraph (a).

(3) Where the Authority has published a notice in accordance with paragraph (1), that tender exercise is finished.

### **Treatment of payments and security on cancellation**

**26.**—(1) This regulation applies where the Authority cancels a tender exercise from a tender round in accordance with regulation 24(3) or 25(1).

(2) Where any of the events in paragraphs (c), (d), (e), (f), (g), (h), (i), (j), (k), (l) or (m) of Schedule 7 or paragraph (a) of Schedule 8 are occurring or have occurred in respect of a qualifying project, the Authority must—

(a) with respect to any payment that has been made by a bidder, qualifying bidder, preferred bidder or successful bidder in accordance with these Regulations, including any interest which may have been accrued on the whole or part of that payment, not repay that payment wholly or in part;

(b) with respect to the payment that has been made in accordance with regulation 10(1)(a), including any interest which may have been accrued on the whole or part of that payment, repay to the person who made the payment so much of the payment as remains after the Authority has recovered an amount determined by the Authority to be reasonable for the purpose of recovering the Authority's tender costs; and

(c) with respect to the security that has been provided in accordance with regulation 10(1)(b), including any interest which may have been accrued where that security provided is a monetary deposit, release the security.

(3) Where any of the events in paragraphs (a) or (b) of Schedule 7 or paragraphs (b), (c), (d) (e), (f), (g), (h) or (i) of Schedule 8 are occurring or have occurred in respect of a qualifying project, the Authority must—

(a) with respect to any payment that has been made by a bidder, qualifying bidder, preferred bidder or successful bidder in accordance with these Regulations, including any interest which may have been accrued on the whole or part of that payment, repay to the person who made the payment so much of the payment as remains after the Authority has recovered an amount determined by the Authority to be reasonable for the purpose of recovering the Authority's tender costs;

(b) with respect to the payment that has been made in accordance with regulation 10(1)(a), including any interest which may have been accrued on the whole or part of that payment, not repay the payment wholly or in part; and

(c) with respect to the security provided in accordance with regulation 10(1)(b), including any interest which may have been accrued where that security provided is a monetary deposit, determine that the security is to be forfeited wholly or in part as the Authority determines is reasonable for the purpose of recovering the Authority's tender costs.

(4) Before the Authority recovers an amount from security in accordance with the determination under paragraph (3)(c) the Authority must give notice to the developer requiring the developer to make a payment to the Authority of that amount.

(5) Where—

(a) any of the events in paragraph (a) of Schedule 7 or paragraphs (b), (c), (d) (e), (f), (g), (h) or (i) of Schedule 8 are occurring or have occurred in respect of a qualifying project; and

(b) the Authority has published a notice under regulation 14 stating that it will reimburse a qualifying bidder's bid costs in accordance with this regulation,

the Authority must reimburse a qualifying bidder, preferred bidder or successful bidder that has neither withdrawn nor been disqualified so much of its bid costs that do not exceed the maximum amount stated in the notice.

(6) Where the Authority reimburses bid costs under paragraph (5) it must give notice to the developer requiring payment to the Authority of an amount that is equal to the Authority's costs in reimbursing bid costs.