
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**

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.