
STATUTORY INSTRUMENTS

2015 No. 1555

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

PART 4

QUALIFYING PROJECTS AND DEVELOPER PAYMENTS AND SECURITY

Developer's payment for early evaluation of construction phase contracts

9.—(1) A developer may apply to the Authority for a determination of the amount of the payment referred to in regulation 8(4).

(2) The application must include information about each construction phase contract that the developer intends to notify in a request made under regulation 8.

(3) The Authority may require the developer to provide any other information it considers necessary in order to make a determination in accordance with paragraph (4).

(4) Where the Authority receives an application in accordance with paragraph (1) it must, as soon as reasonably practicable, notify the developer of the amount that the Authority determines is likely to be equal to the relevant tender costs.

(5) Where a request made under regulation 8 is accompanied by a payment, the Authority must recover its relevant tender costs, if any, from the payment and return the remaining payment, including any interest which accrued on the payment, to the developer as soon as reasonably practicable after—

- (a) the Authority completes the estimate, and makes the determination, referred to in paragraph (6);
- (b) the Authority notifies the developer, in accordance with regulation 8(9), that the request does not relate to a qualifying project and the developer does not make representations in accordance with regulation 8(10);
- (c) the Authority notifies the developer, in accordance with regulation 8(12), that the request does not relate to a qualifying project;
- (d) the developer withdraws the request; or
- (e) the Authority receives payment and security from the developer in accordance with regulation 10(1),

whichever occurs earlier.

(6) In this regulation, “relevant tender costs” means the total costs incurred by the Authority in—

- (a) undertaking an estimate, under regulation 6, of the costs which ought to be incurred under each construction phase contract in payments to the contractor;
- (b) determining whether each construction phase contract meets the requirement at paragraph 1(d) of Schedule 1.