

*Katie Nicholson*

Glasgow, 2 June 2026, by Katie Nicholson,  
Solicitor, Brodies LLP



UNTO THE RIGHT HONOURABLE  
THE LORDS OF COUNCIL AND SESSION

**PETITION**

of

**TEVIOT WF LIMITED**, a company incorporated under the Companies Act (Company Number SC653266 ) and having its registered office at 3<sup>rd</sup> Floor, Maxim 10, Parklands Avenue, Motherwell, ML1 4WQ

**PETITIONER**

for

Judicial review of a decision of Scottish Ministers, dated 14 May 2026 to refuse to postpone the oral hearing sessions or sist the public local inquiry into the application under section 36 of the Electricity Act 1989 and deemed planning permission under section 57(2) of the Town and Country Planning (Scotland) Act 1997 for the construction and operation of Teviot Wind Farm

HUMBLY SHEWETH:-

1. That the petitioner is designed in the instance. The petitioner is a developer of renewable energy including the proposal to construct and operate Teviot Wind Farm on land approximately 8km south-west of Hawick. The respondents are the Scottish Ministers as designed in Part 1 of the Schedule for Service. The petition seeks judicial review of a decision by one of the respondents' reporters on 14<sup>th</sup> May 2026 to refuse to postpone or grant a sist in relation to the public local inquiry into the application for consent under section 36 of the Electricity Act 1989 ("**the Electricity Act**") and deemed planning permission under section 57(2) of the Town and Country Planning (Scotland) Act 1997 ("**the 1997 Act**") for the construction and operation of Teviot

Wind Farm (DPEA reference WIN-140-11) (“**the Application**”). The petitioner has standing as the applicant for the consent. Scottish Borders Council, as the local planning authority, the Ministry of Defence and the other parties more particularly described in Schedule 2 who are parties to the public local inquiry into the Application may have an interest in this petition.

2. That the date on which the grounds giving rise to the petition first arose was 14<sup>th</sup> May 2026.
3. That on that date the respondents’ reporter issued his decision to refuse the petitioner’s request to postpone the oral hearing sessions or grant a sist in relation to the public local inquiry in respect of the Application (“**the Decision**”).
4. That the petitioner seeks:
  - (1) Reduction of the Decision to refuse to postpone the oral hearing sessions or sist the public local inquiry into the application under section 36 of the Electricity Act 1989 and deemed planning permission under section 57(2) of the Town and Country Planning (Scotland) Act 1997 for the construction and operation of Teviot Wind Farm on land approximately 8km south-west of Hawick;
  - (2) Suspension *ad interim* of consideration of the application under section 36 of the Electricity Act 1989 and deemed planning permission under section 57(2) of the Town and Country Planning (Scotland) Act 1997 for the construction and operation of Teviot Wind Farm on land approximately 8km south-west of Hawick.
  - (3) Such further orders (including an order for expenses) as may seem to the court to be just and reasonable in all the circumstances of the case.
5. That the petitioner challenges the Decision on the following grounds:

6. That in or about May 2022, the petitioner submitted the Application under section 36 of the Electricity Act to the respondents' Energy Consents Unit ("ECU") for consent for the construction and operation of Teviot Wind Farm on land approximately 8km south-west of Hawick ("**the Development**").
7. That in terms of paragraph 2(1) of Schedule 8 to the Electricity Act, and the Electricity (Application for Consent) Regulations 1990 made under it, the relevant planning authority was required to be notified and consulted in respect the Application. The relevant planning authority is Scottish Borders Council.
8. That on or about 3 March 2025, following engagement with key stakeholders and revised layout changes and an Additional Environmental Submission ("AEI") to the ECU in relation to the Application, the Scottish Borders Council Planning Committee raised an objection to the Application. As a result, in terms paragraph 2(1) of Schedule 8 to the Electricity Act, a public local inquiry required to be held into the Application.
9. That amongst the key issues in relation to the determination of the Application are the potential impact it may have on the Eskdalemuir Seismic Array ("**the ESA**") and the fact that there is an ongoing review of technical guidance and regulations regarding the ESA.
10. That at a pre-examination meeting ("**PEM**") on 8 December 2025 the Reporter decided that a three-month sist of the PLI procedure was appropriate on the basis of the uncertainty over the position with the ongoing review of technical guidance and regulations regarding the ESA. In the Note of the PEM it was recorded *inter alia* that:

*"the reporter concluded that the inquiry should be delayed because of the current uncertainty as to whether the emerging guidance would necessitate the relocation of any of the proposed turbines and because the emerging regulations and ministerial statement would likely come into effect in advance of his report being finalised. The reporter considers that the agreed pause in*

*proceedings would ensure that any time or resources dedicated to gaining an understanding of the issues identified in the agenda is not abortive.”*

11. That there are no time limits set out in the Electricity Act within which an application under section 36 requires to be determined.

12. That in correspondence dated 27 March 2026 the petitioner’s agents requested that the proposed inquiry dates in August be postponed to a date between November-December 2026, to allow sufficient time to fully consider the implications of the MOD and UK Government policies once they were published and that that proposal was not opposed by the Council, and the MoD was neutral.

13. That a further PEM was held on 31 March 2026. The Note of the Pre-Examination Meeting held on 31 March 2026 was issued on 7 April 2026.

14. That in the Note of the PEM held in March 2026 the Reporter noted *inter alia* that:

*“there are no detailed procedural rules for the conduct of inquiries under the Electricity Act, however DPEA has produced a Code of Practice for handling inquiries under that act. The code of practice sets out the procedures to be followed and aims to ensure that the proceedings will be conducted in a proportionate, fair, transparent and efficient manner.”*

15. That in relation to the ESA the Note of the March 2026 PEM noted:

*“Updated Approach to Managing Onshore Wind Turbine Interference with the Eskdalemuir seismic array*

*13. The reporter also seeks views from the applicant and the MoD in relation to the draft technical guidance for managing onshore wind turbine interference in relation to Eskdalemuir seismic array. A series of questions have been set*

*out for parties to provide information at Annex C along with a timetable for the submission of responses...*

*Written submissions – Eskdalemuir seismic array*

*19. The MoD confirmed that it maintained its objection to the proposed development in relation to its identified effects on Eskdalemuir seismic array. Further written submissions will be sought on this matter to demonstrate to the reporter that mitigation measures have been identified that are sufficient to enable the MoD to withdraw its objection. The reporter confirmed that, given the evolving situation, he considers that this information should be submitted after any oral procedures in order that Scottish Ministers have the most up to date information at the time that a decision is taken. The reporter acknowledges that following receipt of written submissions on this matter, he may determine that an oral session is necessary...*

*20. The reporter will therefore invite further written submissions on this matter at a later stage in the inquiry process following the oral sessions on other topic areas.”*

16. That in Annex C to the Note of the March 2026 PEM the Reporter set out a number of questions for the parties to the inquiry. These included:

*“The Reporter considers that the application should be progressed under the existing policy framework in order to minimise further delay... However, it is acknowledged that if the updated guidance were to be adopted in advance of Scottish Ministers issuing their decision, and any necessary regulations were to come into force, further procedure may be necessary on the subject of Eskdalemuir. What are the benefits and risks associated with this approach?*

17. That on 21 April 2026 the petitioner submitted its Further Written Submission in Response to Annex C of the Note of the PEM. It identified *inter alia* that the UK Government's draft guidance consultation in respect of the ESA has potentially significant implications for undetermined projects within 50km of the Array. It also pointed out that it is not possible to accurately assess whether additional mitigation would be required, nor confirm what forms of technical or engineered solutions would be considered appropriate or available at the time of any oral sessions; and that there is limited ability at this stage to accurately estimate the degree of design mitigation which might reasonably be required, but that it expected this would result in a significant change to the scheme based on what is currently known about SIL and available headroom, and therefore wished to reserve the position that project design amendments may be necessary in the future. The petitioner again requested a *sist* to proceedings until the updated guidance and any associated regulations have been finalised to provide clarity to all parties, a stable basis for assessment, and greater confidence in the robustness of the eventual decision. The petitioner's Further Written Submissions were accompanied by a letter from its agents dated 21 April 2026 presenting its position that proceeding to an inquiry in the circumstances was not sensible or the best use of public time and money and that the ESA constraint fundamentally changed the prospect of a 52- turbine project, and amendments to the scheme would be necessary, but once the position with the ESA was known it would be possible to predict a project that would be compliant with a finalised SIL, and which could be understood and evidenced through use of the online SGV calculation programmes already developed for industry and MOD use.
18. That in email correspondence dated 28 April 2026 the Reporter refused the requests for a postponement of the inquiry sessions and a *sist* made by the petitioner and by its agents on 21 and 28 April 2026.
19. That by letter dated 30 April 2026 the petitioner's agents again requested a postponement of the inquiry sessions and a *sist inter alia* in order to avoid the duplication of efforts and the oral sessions in relation to landscape and visual issues

fixed for August 2026 taking place when the implications of the impending review of the ESA would inevitably require changes to be made to the layout of the proposed 52 turbine development. By email correspondence dated 5 May 2026 the Reporter refused that request. The email from the DPEA dated 5 May 2026 stated *inter alia* that “*whilst there may potentially be a reduction in the number of proposed turbines and their locations, or the introduction of a technical/engineering solution to mitigate the effects of the development on the array, the reporter does not consider that this will necessarily lead to additional oral process on landscape and visual matters (or to any unnecessary duplication of effort) because the scheme would not be materially different from that currently before him*”.

20. That in their response dated 11 May 2026 to the Reporter’s request at the PEM in respect of further information in relation to the ESA, agents on behalf of the Ministry of Defence stated *inter alia* that:

*“As the applicant has noted, DESNZ are consulting on a range of values for a seismic impact limit (SIL). If this approach is adopted, it is proposed that an application will only be accepted as valid if it can be confirmed that each turbine of which that proposed development comprises will meet the SIL. The final value of the SIL depends on a number of factors including the amount of headroom within the threshold.*

*The MOD has published its audited baseline with its new safeguarding approach (see appendix three for the audited baseline list). That audit was undertaken against the current, 2014 safeguarding algorithm. The MOD noted at paragraph 2.4 of its new safeguarding approach that when a revised algorithm is accepted, its baseline is likely to be updated again, and seismic ground vibration (SGV) calculations in respect of development on the MOD's list revised. This will have a bearing on the calculation of any headroom within the threshold and therefore on the calculation of a SIL. The assessment of headroom is a complex issue, requiring the MOD to undertake an assessment*

*of risk to the safeguarding of the Array. This work will be completed to support any new approach which is introduced pursuant to the ongoing DESNZ consultation.*

*The MOD quoted at length in its Update of 23 March 2026 (see page 4) from the DESNZ consultation document regarding the range of SIL values and the implications for development at certain distances from the Array, depending on the final value of the SIL.*

*The key point for present purposes is that it is anticipated that the final value of the SIL will be set out in adopted technical guidance. The selection of that value is likely to be material for Teviot Wind Farm given its relatively close proximity to the Array. However, the actual implications of any new approach for Teviot Wind Farm will not be known until a policy is adopted (if adopted), technical guidance published, and associated Regulations brought into force...*

*As matters stand, the consultation has not yet been concluded. Although a proposed policy is being consulted upon, it is not known what that policy will be (if adopted), or what any other policy may be. The precise value of a SIL for each turbine in the Restricted Zone - if that approach is implemented - is not known. The precise value of a SIL once adopted is likely to be critical to the determination of developments such as the present application...*

*As noted above and in the MOD's updated position statement, DESNZ commenced its Consultation on an Updated Approach to Managing Onshore Wind Turbine Interference with the Eskdalemuir Seismic Array and draft associated technical guidance on 20 March 2026. The consultation will remain open until 15 May 2026. The consultation document indicates that Government will aim to publish a response to this consultation in Summer 2026, within twelve weeks of the consultation closing [ie by 7 August].*

*The approach set out in the consultation relies on Regulations which would be made in terms of section 30 of the Planning and Infrastructure Act 2025 (wind generating stations and seismic array stations). It is anticipated that the Regulations will be made in late 2026.*

*... The form of mitigation that the applicant has proposed in its response is "mitigation by design" i.e. changes to the layout of its development, presumably in order that each turbine meets the SIL. It appears that this would require moving/removing turbines, given that distance from the Array is a key factor in terms of the calculation of SGV and therefore compliance with a SIL.*

*The applicant quite correctly notes in its response that there is limited ability at this stage to estimate accurately the degree of design mitigation which might reasonably be required...*

*The risks associated with proceeding as proposed in this way may include there being uncertainty and delay in new policy etc being adopted and/or the policy etc requiring the applicant to revise its proposal in order to meet a SIL, or indeed that the MOD maintains its objection on the basis that the application still results in the threshold being breached (applying a new SIL policy in tandem with an updated MOD safeguarding approach)."*

21. That on 11 May 2026 the petitioner's agents made a further request to the Reporter for a postponement of the inquiry sessions and a sist of proceedings until the position in relation to the ESA was known. The petitioner pointed out inter alia that "*in August no party will know the final impact of the Technical Guidance on the proposed development. What is certain, however, is that the 52-turbine scheme will reduce in scale in response to the final Technical Guidance to such an extent that the landscape and visual effects of the development will be materially different, with the consequence that the oral sessions in August would have to be repeated*".

22. That in email correspondence dated 14 May 2026 the Reporter refused that request. In the email dated 14 May 2026 the respondents stated *inter alia*:

*“[The reporter] does not consider that a reduction in the number of turbines, or the relocation of some devices, will necessarily lead to a development that is in substance different and would consequently require a separate application. It was his intention to communicate this in the previous email. Whilst there may be a significant reduction in turbine numbers, and parties would likely need to review their position, this does not necessarily mean that further oral procedure will be necessary. The reporter is satisfied that frontloading the oral process and considering the potential effects of the proposal on other matters will ultimately lead to a more timeous submission of his report to ministers.*

*Secondly, he does not agree that the timetable set out in the draft guidance is definitive as suggested. The timetable refers to ‘late 2026’. No specific date has been given. Furthermore, the MoD has warned that this timetable may slip.*

*The reporter has considered the applicant’s position and does not agree to sist the inquiry. The oral sessions will therefore proceed as planned in August because the September dates are not convenient for the applicant. If the technical guidance is finalised and the associated regulations are published in line with the timetable set out in the draft document then they will be given full consideration and an appropriate procedure for responding to them will be agreed between parties.*

*The reporter would appreciate if you respect his decision on this matter and refrain from making any further requests for him to agree to a sist at this time.”*

## Grounds of Challenge

23. That a challenge to a procedural decision of one of the respondent's reporters prior to a final determination of an application under section 36 of the Electricity Act ought to be raised by petition for judicial review at the time of the decision rather than by statutory appeal (*Co-operative Retail Services v Secretary of State for the Environment* [1980] 1 WLR 271, *Cala Management Limited v Scottish Ministers* 2002 SC 42 at paragraph 33, *Giles v Secretary of State for Housing, Communities and Local Government* [2026] EWHC 1062 (Admin), 6 May 2026, at paragraphs 24-25).
24. That the Decision is unfair, unreasonable and irrational. The Reporter ought to have considered and found that the adjournment is necessary for the proper determination of the Application, and in the interests of procedural fairness. The Decision of the reporter has unfairly deprived the appellants of a proper opportunity to present their case and failed to apply the principles of natural justice (*Powell v Secretary of State for the Environment, Food and Rural Affairs* [2009] J.P.L 1513; *Cala Management Limited v Scottish Ministers* 2002 SC 42 at paragraph 39). The Reporter should have allowed the postponement to allow the petitioner the opportunity to put forward the relevant evidence on one of the determining issues on the Application at the appropriate time (*R. (on the application of Poole) v Secretary of State for Communities and Local Government and Cannock Chase DC* [2008] J.P.L. 1774).
25. That the Reporter's decision is unreasonable, unfair and irrational in the circumstances. The Reporter accepts that the review of the ESA Technical Guidance and the likely publication of a ministerial statement and regulations made under the Planning and Infrastructure Act 2025 would have important implications for the determination of the Application. In December 2025 he concluded that the inquiry should be delayed "because of the current uncertainty as to whether the emerging guidance would necessitate the relocation of any of the proposed turbines and because the emerging regulations and ministerial statement would likely come into

*effect in advance of his report being finalised*” and he considered that a “*pause in proceedings would ensure that any time or resources dedicated to gaining an understanding of the issues identified in the agenda is not abortive*”. On 14 May 2026 those same considerations applied. The Reporter was effectively being asked to consider postponing oral hearing sessions fixed for August 2026 on landscape and visual issues, which he had previously indicated a preference to hold in September 2026, for a few months. The information available from the MOD indicated that the response to the consultation on the ESA proposals would be published by 7 August 2026 and it was likely that any regulations would be promoted by late 2026 and that in meantime it was likely that there would be a ministerial statement to indicate how such applications would be dealt with during a transitional period. Given the Application had been submitted in 2022, the amount of investment in the project, the fact that the delays in updating the technical guidance and the UK Government’s intentions in relation to the protection of arrays were matters beyond the control of the petitioner, and the acknowledged need to respond to the outcome of the ESA review during the course of the inquiry procedure, it was disproportionate and irrational to insist on holding the oral sessions of the inquiry into landscape and visual issues when there was such a degree of uncertainty over the implications for the Application and the prospect of those uncertainties being resolved within a period of a few months. In the circumstances the Decision will unfairly deprive the petitioner of a proper opportunity to present their case. It is disproportionate, unfair, inefficient and unreasonable.

26. That the Reporter has erred in law in failing to take into account relevant considerations *et separatim* has acted irrationally by assuming that further oral sessions will not be required because only a reduction in the number of turbines will be proposed and failing to appreciate that the relocation of the individual turbines would be likely to take place. The Reporter has at the same time accepted that parties will inevitably require to review their positions in relation to these matters and that a further oral session may be required. He has also not taken into account the fact that the Government response to the ESA consultation will be due on 7 August 2026 days

before the oral hearing sessions are due to take place and too late for them to be taken into account in the evidence produced prior to the hearing sessions.

27. That the Reporter has also taken into account irrelevant considerations *et separatim* acted irrationally in placing reliance on the view that the timetable for the issuing of regulations is not “definitive” because it refers to “late 2026” and may slip beyond late 2026. In the context of an Application that has been under consideration for a number of years the precise month of an expected event is not material. In any event the Reporter has failed to appreciate that it is likely that a ministerial statement will be made prior to the passing of regulations and the passing of any regulations is not the key date when the relevant policy position will become known.
28. That the respondents erred in law by failing to give proper adequate and intelligible reasons for the Decision. The petitioner as an informed reader is left in real and substantial doubt as to whether the respondents have properly taken into account the petitioner’s representations and the information from the MOD and the fact that the response to the consultation will be published a matter of days before the oral hearing sessions and too late for its implications to be taken into account in those sessions.

### **Permission to Proceed**

29. That the petitioner satisfies section 27B(2) (requirement for permission) of the Court of Session Act 1988. The petitioner has standing as the applicant for consent for the development in terms of the Electricity Act. As set out above the respondent has acted unreasonably, unfairly, irrationally and contrary to procedural fairness and natural justice and erred in law by taking into account irrelevant considerations and failing to take into account relevant considerations and failing to provide adequate and intelligible reasons for the Decision. The petition has a real prospect of success.

### **Transfer to the Upper Tribunal**

30. That the petition is not subject to a mandatory or discretionary transfer to the Upper Tribunal.

## PLEAS IN LAW

1. The petitioner having sufficient interest and the petition having a real prospect of success, permission to proceed in terms of Section 27B of the Court of Session Act 1988 should be granted.
2. The respondents having acted unfairly, unreasonably, irrationally and contrary to procedural fairness and natural justice in taking the Decision, the Decision should be reduced.
3. The respondents having failed to take into account relevant considerations, the Decision should be reduced.
4. The respondents having taken into account irrelevant considerations, the Decision should be reduced.
5. The respondents having failed to give proper adequate and intelligible reasons for the Decision, it should be reduced.

According to Justice etc

A handwritten signature in black ink, appearing to be 'A. H. S.', written in a cursive style.

## **SCHEDULE FOR SERVICE**

### **PART 1: RESPONDENTS**

- (1) The Scottish Ministers, c/o Scottish Government Legal Directorate, Victoria Quay, Edinburgh EH6 6QQ

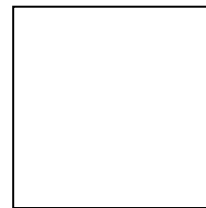
### **PART 2: INTERESTED PERSONS**

- (1) Scottish Borders Council, a local authority constituted under the Local Government etc. (Scotland) Act 1994 and having its headquarters at Council Headquarters, Newton St Boswells, Melrose TD6 0SA
- (2) Upper Teviotdale and Borthwick Water Community Council, c/o Walter Douglas, Carlenrig Farm, Teviothead, Hawick TD9 0LH
- (3) Upper Liddesdale and Hermitage Community Council, Hermitage Hall, Hawick TD9 0LX
- (4) Southdean Community Council c/o Philip Kerr, Westerhouses, Hawick TD9 8TG
- (5) Ministry of Defence c/o Morton Fraser MacRoberts LLP, Level 5, 9 Haymarket Square, Edinburgh EH3 8RY
- (6) NATS (En Route) plc, 4000 Parkway, Whiteley, Fareham, Hampshire PO15 7FL.
- (7) Teviot Landscape Conservation Group, postal address currently unknown, email address for correspondence with DPEA:cdf@cqm.co.uk
- (8) Borderlands Museum, Teviothead Gallery, Hawick TD9 0LF
- (9) Hawick Development Trust, 2 Kirkwynd, Hawick TD9 0AL
- (10) Jane Bower, Gorrenberry Farm, Hawick TD9 0LT
- (11) Patricia Douglas, Carlenrig Farm, Teviothead, Hawick, TD9 0LH
- (12) Stephen Lucking, Easter Ale Moor Farm, Roberton, Hawick TD9 7NE
- (13) Elizabeth Jan Little, Castleweary Cottage, Teviothead, Hawick TD9 0LN

- (14) Gillian Cooper, Teviothead Cottage, Hawick TD9 0PP
- (15) Claire Nowicka-Price, postal address currently unknown, email address for correspondence with DPEA: [cnowickaprice@gmail.com](mailto:cnowickaprice@gmail.com)
- (16) John Turner, Doecleuch House, Skelfhill, Hawick TD9 0PJ
- (17) Tamsin Turner, Doecleuch House, Skelfhill, Hawick TD9 0PJ
- (18) Frank Booth, 4 Drumlanrig Place, Hawick, TD9 0AY
- (19) James Angus Pow, The Old Manse, Teviothead, Hawick TD9 0LQ
- (20) Marion Livingston, Bewlie House, By Lilliesleaf, Melrose TD6 9ER
- (21) John Dawson, 6 Glebe View, Hawick TD9 9JN
- (22) Helen Jan Little, Priestthaugh Cottage, Hawick TD9 0PQ
- (23) Allana Mcdonald, Phaup Cottage, Teviothead, Hawick TD9 0LN
- (24) Iain Mcdonald, Phaup Cottage, Teviothead, Hawick TD9 0LN
- (25) Keith Douglas-Hogg, postal address currently unknown, email address: [keith.douglas-hogg@roxburghhr.co.uk](mailto:keith.douglas-hogg@roxburghhr.co.uk)
- (26) Duncan Taylor, 5 Mill Port, Hawick TD9 9DG
- (27) Caroline Gray, postal address currently unknown, email address for correspondence with DPEA: [caroline.dogsbody@gmail.com](mailto:caroline.dogsbody@gmail.com)
- (28) Colin Hope, postal address currently unknown, email address for correspondence with DPEA: [cdhope59@gmail.com](mailto:cdhope59@gmail.com)

## SCHEDULE OF DOCUMENTS

1. Letter from Brodies LLP to DPEA dated 3 December 2025
2. Minute of pre-examination meeting dated 8 December 2025
3. Letter from Brodies LLP to DPEA dated 27 March 2026
4. Minute of pre-examination Meeting dated 31 March 2026
5. Letter from Brodies LLP to DPEA dated 21 April 2026
6. Muirhall Energy's further written submission in response to Annex C of PEM, dated 21 April 2026
7. Email from Adrian Phillips (DPEA) to Neil Collar (Brodies LLP) dated 28 April 2026
8. Letter from Brodies to DPEA dated 30 April 2026
9. Email exchange between Adrian Phillips (DPEA) and Neil Collar (Brodies LLP) dated 5 May 2026
10. Further written submissions by the Ministry of Defence in response to PEM questions dated 11 May 2026
11. Letter from Brodies to DPEA dated 11 May 2026
12. Email chain between Adrian Phillips (DPEA) and Neil Collar (Brodies LLP) dated 14 May 2026
13. Letter from Muirhall Energy to DPEA dated 16 October 2025 enclosing position statement in relation to Teviot Wind Farm dated 16 September 2025



**IN THE COURT OF SESSION**

**PETITION**

**IN THE PETITION OF**

**TEVIOT WF LIMITED**

Petitioner

for

Judicial review of a decision of Scottish  
Ministers dated 14 May 2026