

## SCHEDULE 2

### ACCESS CHARGING

#### **Exceptions to the charging principles**

- 3.—(1) Subject to sub-paragraph (2), for specific investment projects completed—
- (a) since 15th March 1988; or
  - (b) following the coming into operation of these Regulations,
- the, infrastructure manager may set or continue to set higher charges on the basis of the long-term costs of the project.
- (2) For sub-paragraph (1) to apply—
- (a) the effect of the higher charges must be to increase the efficiency or cost-effectiveness of the project; and
  - (b) it must be the case that the project could not otherwise have been undertaken without the prospect of such higher charges.
- (3) A charging arrangement to which sub-paragraph (1) applies may incorporate agreements on the sharing of the risk associated with new investments.