
STATUTORY INSTRUMENTS

2015 No. 318

**The Dogger Bank Creyke Beck
Offshore Wind Farm Order 2015**

PART 2

Principal powers

Consent to transfer benefit of Order

8.—(1) Subject to the provisions of this article, the undertaker may, with the consent of the Secretary of State (except where paragraph (4) applies, in which case no such consent is required),—

- (a) transfer to another person (the “transferee”) any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed between the undertaker and the transferee; or
- (b) grant to another person (the “lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed between the undertaker and the lessee.

(2) Where an agreement is made in accordance with paragraph (1), references in this Order to the undertaker, except in paragraph (3), include references to the transferee or the lessee.

(3) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker.

(4) This paragraph applies where—

- (a) the transferee or lessee is a person who holds a licence under the Electricity Act 1989; or
- (b) the time limits for claims for compensation in respect of the acquisition of land or effects on land under this Order have elapsed and either no such claim has been made or, if such a claim has been made,—
 - (i) the claim has been compromised or withdrawn;
 - (ii) compensation has been paid in final settlement of the claim;
 - (iii) payment of compensation into court has taken place in lieu of settlement of the claim;or
- (iv) a tribunal or court of competent jurisdiction has determined that no compensation is payable in respect of the claim.

(5) The provisions of articles 13 (street works), 14 (temporary stopping up of streets), 21 (compulsory acquisition of land), 24 (compulsory acquisition of rights), 29 (temporary use of land for carrying out the authorised project) and 30 (temporary use of land for maintaining authorised project) have effect for the benefit only of a transferee or lessee who is also—

- (a) in respect of Works No. 1A, 1B, 2A, 2BA, 2BC, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7, 8A, 8B, 9A, 9B, 10A, 10B, 10C, 10D, 10E and 10F, a person who holds a licence under the Electricity Act 1989; and

(b) in respect of functions under article 13 (street works) relating to a street, a street authority.

(6) Despite anything contained in Part 4 of the 2009 Act (marine licensing) (but subject to paragraph (3)), the undertaker may, pursuant to an agreement under paragraph (1), transfer relevant provisions to another person.

(7) The Secretary of State must consult the MMO before consenting to the transfer of relevant provisions pursuant to an agreement under paragraph (1).

(8) The undertaker must consult the MMO before the transfer of relevant provisions pursuant to an agreement under paragraph (1) in a case where the Secretary of State's consent to such a transfer is not required (because paragraph (4) applies).

(9) No later than 14 days after the taking effect of any agreement under paragraph (1) that transfers relevant provisions to another person, the transferor must give written notice to the MMO of—

- (a) the name and address of the other person;
- (b) the relevant provisions transferred; and
- (c) the date on which the transfer took effect.

(10) Section 72(7) and (8) of the 2009 Act do not apply to a transfer of relevant provisions pursuant to an agreement under paragraph (1).

(11) In this article, "relevant provisions" means any of the provisions set out in Part A of any of Marine Licences 1, 2, 3 or 4 together with the corresponding conditions set out in Part B of the Licence.