

SCHEDULE 1

Property Arrangements Schemes

Supplementary

21.—(1) In this Schedule—

“application for certification” means an application for certification under Article 10C of the Electricity Order or Article 8C of the Gas Order;

“certification ground” has the meaning given to it in Article 10F of the Electricity Order or Article 8F of the Gas Order as the context requires;

“certification” means certification in accordance with Article 10E of the Electricity Order or Article 8E of the Gas Order as appropriate;

“existing related licensee” means, in relation to an applicant for certification—

- (a) a related transmission licensee falling within paragraph (a) of the definition thereof in Article 10L(1) of the Electricity Order; or
- (b) a related conveyance licensee falling within paragraph (a) of the definition thereof in Article 8L of the Gas Order,

as the case may be;

“nominated transferee” means the person nominated (as described in paragraph 2(1)(b)) in a qualifying application for certification;

“property arrangements scheme” has the meaning given by paragraph 1(2);

“qualifying application for certification” means—

- (a) an application for certification on the first or third certification ground in Article 10F of the Electricity Order; or
- (b) an application for certification on the first, second or third certification ground in Article 8F of the Gas Order,

which is made by a person who holds a transmission licence at the date these Regulations come into operation and who has not previously been certified;

“third party”, in relation to a property arrangements scheme, means a person other than the nominated transferee or the applicant for certification; and

“unbundling purposes”, in relation to a property arrangements scheme, or an application for such a scheme, means the purposes of satisfying or facilitating the satisfaction of any condition required for the relevant certification ground to be met (where the relevant certification ground is the certification ground on the basis of which the relevant qualifying application for certification was made).

(2) In this Schedule, a reference to the applicant for certification, in relation to a property arrangements scheme, or an application for such a scheme, means the applicant for certification to whose property, rights or liabilities the scheme, or application, relates.

(3) For the purposes of this Schedule, a provision of a property arrangements scheme adversely affects a third party if—

- (a) his consent or concurrence would be required to the making of the provision otherwise than by means of the scheme; and
- (b) he does not consent to the making of the provision by means of the scheme.