
STATUTORY INSTRUMENTS

2014 No. 1873

The Rampion Offshore Wind Farm Order 2014

Benefit of the Order

7.—(1) Subject to the provisions of this article, the undertaker may with the consent of the Secretary of State—

- (a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order (excluding the deemed marine licences referred to in (3) below) 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 (excluding the deemed marine licences referred to in (3) below) and such related statutory rights as may be so agreed.

(2) Where an agreement has been made in accordance with paragraph (1) references in this Order to the undertaker, except in paragraph (7), shall include references to the transferee or lessee.

(3) The undertaker may with the written consent of the Secretary of State—

- (a) where an agreement has been made in accordance with paragraph (1)(a), transfer to the transferee the whole of the deemed array marine licence and/or the whole of the deemed export cable marine licence and such related statutory rights as may be agreed between the undertaker and the transferee; or
- (b) where an agreement has been made in accordance with paragraph (1)(b), grant to the lessee, for the duration of the period mentioned in paragraph (1)(b), the whole of the deemed array marine licence and/or the whole of the deemed export cable marine licence and such related statutory rights as may be so agreed.

(4) The Secretary of State shall consult the MMO before giving consent to the transfer or grant to another person of the whole of the benefit of the provisions of the deemed marine licences.

(5) Where the undertaker has transferred any benefit and/or a deemed marine licence, or for the duration of any period during which the undertaker has granted any benefit and/or a deemed marine licence under paragraph (1) or (3)—

- (a) the benefit and/or a deemed marine licence transferred or granted (“the transferred benefit”) shall include any rights that are conferred, and any obligations that are imposed by virtue of the provisions to which the benefit relates;
- (b) the transferred benefit shall reside exclusively with the transferee or, as the case may be, the lessee and the transferred benefit shall not be enforceable against the undertaker save in the case of a deemed marine licence transferred or granted in respect of any breach of an obligation by the undertaker which occurs prior to such transfer or grant or which occurs as a result of any activity carried out by the undertaker on behalf of the transferee or lessee.

(6) The provisions of article 15 (street works), article 16 (temporary stopping up of streets), article 23 (compulsory acquisition of land), article 25 (compulsory acquisition of rights), article 31 (temporary use of land for carrying out the authorised project) and article 32 (temporary use of land for maintaining the authorised project) shall have effect only for the benefit of the named undertaker and a person who is a transferee or lessee and is also—

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- (a) in respect of Work Nos. 3B to 32 a person who holds a licence under the Electricity Act 1989⁽¹⁾, or
 - (b) in respect of functions under article 15 (street works) relating to a street, a street authority.
- (7) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) or (3) shall be subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker.

Commencement Information

II Art. 7 in force at 6.8.2014, see [art. 1](#)

⁽¹⁾ [1989 c.29](#). Section 6 was substituted by section 30 of the Utilities Act 2000, and amended by sections 89, 136, 143, 145 and 197 of, and Schedule 19 and Part 1 of Schedule 23 to, the Energy Act 2004, section 79 of, and Schedule 8 to, the Climate Change Act 2008, section 72 of, and Schedule 1 to, the Energy Act 2011, and [S.I. 2011/2704](#) and [S.I. 2012/2004](#)

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 Pt. 3 para. 15(1) substituted by [S.I. 2021/535 art. 5\(a\)](#)
- Sch. 1 Pt. 3 para. 15(2) substituted by [S.I. 2021/535 art. 5\(b\)](#)