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STATUTORY INSTRUMENTS

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**2015 No. 1592**

**The Dogger Bank Teesside A and  
B 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 consent is required),—

- (a) transfer to another person (the “transferee”) any or all of the benefit of the provisions of this Order (including Marine Licences 1 to 4) 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 (including Marine Licences 1 to 4) and such related statutory rights as may be agreed between the undertaker and the lessee.

(2) The exercise by a person of any benefits or rights conferred in accordance with a 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.

(3) Where there is a transfer or grant under paragraph (1), references in this Order to the undertaker, except in paragraph (2), include references to the transferee or lessee.

(4) This paragraph applies where the transferee or lessee is a person who holds a licence under the Electricity Act 1989.

(5) The provisions referred to in paragraph (6) have effect only for the benefit of a transferee or lessee who is also—

- (a) in respect of Work Nos. 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7, 7L, 8A, 8B, 8S and 9, a person who holds a licence under the Electricity Act 1989; or
- (b) in respect of functions under article 14 (street works) relating to a street, a street authority.

(6) The provisions are—

- (a) article 14;
- (b) article 15 (temporary stopping up of streets);
- (c) article 22 (compulsory acquisition of land);
- (d) article 25 (compulsory acquisition of rights);
- (e) article 29 (temporary use of land for carrying out authorised project); and
- (f) article 30 (temporary use of land for maintaining authorised project).

(7) Despite anything contained in Part 4 of the 2009 Act (marine licensing), but subject to paragraph (2), the undertaker may transfer or grant relevant provisions to another person under paragraph (1) (and section 72(7) and (8) of the 2009 Act do not apply to such a transfer or grant).

(8) Before seeking the Secretary of State's consent to a transfer or grant of relevant provisions under paragraph (1), the undertaker must—

- (a) consult the MMO; and
- (b) provide the MMO with—
  - (i) details of the relevant provisions proposed to be transferred or granted; and
  - (ii) the information that the undertaker proposes to provide under paragraph (10).

(9) Before consenting to a transfer or grant of relevant provisions under paragraph (1), the Secretary of State must consult the MMO.

(10) As soon as is reasonably practicable but in any event no later than 7 days after the coming into effect of a transfer or grant of relevant provisions to another person, the transferor or grantor must give written notice to the MMO of—

- (a) the name and contact details of the other person;
- (b) the date on which the transfer or grant took effect;
- (c) the relevant provisions transferred or granted;
- (d) the restrictions, liabilities and obligations that, pursuant to paragraph (2), apply in relation to the exercise by the other person of any benefits or rights conferred by the transfer or grant;
- (e) where relevant, a plan showing the works or areas to which the transfer or grant relates; and
- (f) in a case where the Secretary of State's consent is needed for the transfer or grant, a copy of the consent.

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