
STATUTORY INSTRUMENTS

2016 No. 880

The Triton Knoll Electrical System Order 2016

PART 2

Principal powers

Transfer of benefit of Order

5.—(1) Except as otherwise provided in this Order, the provisions of this Order have effect solely for the benefit of the undertaker.

(2) The undertaker may—

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

(3) The consent of the Secretary of State is required for a transfer or grant under paragraph (2), except where—

- (a) the transfer or grant is to a person licensed under section 6 of the 1989 Act⁽¹⁾; 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 - (i) the claim has been comprised or withdrawn;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.

(4) Where the consent of the Secretary of State is required for a transfer or grant under paragraph (2), the Secretary of State must consult the MMO before giving consent if the proposed transfer or grant is relevant to the exercise of functions within the MMO’s jurisdiction.

(5) Where there is a transfer or grant under paragraph (2), the exercise by the transferee or, as the case may be, by the lessee of any benefit or right conferred by the transfer or grant is subject to the same restrictions, liabilities and obligations as would apply under this Order if the benefit or right were exercised by the undertaker.

(1) Section 6 was substituted by section 30 of the Utilities Act 2000 (c.27) and amended by sections 136 and 145 of, and by Schedule 23 to, the Energy Act 2004 (c.20) and by S.I. 2011/2704 and 2012/2400.

(6) Despite anything in Part 4 of the 2009 Act (marine licensing), but subject to paragraphs (3) to (5), the undertaker may transfer or grant under paragraph (2) any of the provisions set out in Part 1 of the deemed marine licence together with the corresponding conditions set out in Part 2 of the licence (and subsections (7) and (8) of section 72 of the 2009 Act do not apply to such a transfer or grant).

- (7) The undertaker must give notice in writing of any transfer or grant under paragraph (2)—
- (a) to the Secretary of State; and
 - (b) if the transfer or grant is relevant to the exercise of functions within the MMO’s or the relevant planning authority’s jurisdiction, to the MMO or relevant planning authority (or to both),

at least 10 days before the transfer or grant takes effect or, if the transfer or grant is relevant to the exercise of functions within the MMO’s jurisdiction and the Secretary of State’s consent is not required for the transfer or grant, at least 28 days before the transfer or grant takes effect.

- (8) The notice must—
- (a) state—
 - (i) the name and contact details of the transferee or lessee;
 - (ii) the date on which the transfer or grant will take effect;
 - (iii) the provisions to be transferred or granted; and
 - (iv) the restrictions, liabilities and obligations that, in accordance with paragraph (5), will apply to the transferee or lessee;
 - (b) be accompanied by—
 - (i) where relevant, a plan showing the Works or areas to which the transfer or grant relates;
 - (ii) where the Secretary of State’s consent is needed for the transfer or grant, a copy of the consent; and
 - (iii) a copy of the document effecting the transfer or grant signed by the person making the transfer or grant and the transferee or lessee; and
 - (c) be signed by the person making the transfer or grant and the transferee or lessee.

(9) Where there is a transfer or grant under paragraph (2), references in this Order to the undertaker, except in paragraph (5), include references to the transferee or the lessee.