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## STATUTORY INSTRUMENTS

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### 2018 No. 1020

#### The Eggborough Gas Fired Generating Station Order 2018

### PART 2

#### PRINCIPAL POWERS

##### Development consent etc. granted by the Order

3.—(1) Subject to the provisions of this Order and to the requirements, the undertaker is granted development consent for the authorised development to be carried out within the Order limits.

(2) Each numbered work must be situated within the corresponding numbered area shown on the works plans and within the limits of deviation shown for each work number on the works plans.

##### Maintenance of authorised development

4.—(1) Except to the extent that this Order or an agreement made under this Order provides otherwise and subject to the provisions of this Order and to the requirements, the undertaker may at any time maintain the authorised development.

(2) This article only authorises the carrying out of maintenance works within the Order limits.

##### Operation of authorised development

5.—(1) The undertaker is hereby authorised to use and operate the generating station comprised in the authorised development.

(2) This article does not relieve the undertaker of any requirement to obtain any permit or licence or any obligation under any other legislation that may be required from time to time to authorise the operation of a generating station.

##### Benefit of the Order

[<sup>F1</sup>6. Subject to article 7 (consent to transfer benefit of the Order), the provisions of this Order have effect solely for the benefit of Eggborough Power Limited save for—

- (a) Work No. 3B, in relation to which this Order has effect for the benefit of Eggborough Power Limited and NGET; and
- (b) Work No. 7A, in relation to which this Order has effect for the benefit of Eggborough Power Limited and NGG.]

**F1** [Art. 6](#) substituted (7.12.2018) by [The Eggborough Gas Fired Generating Station \(Correction\) Order 2018 \(S.I. 2018/1312\)](#), [art. 1\(2\)](#), [Sch.](#)

##### Consent to transfer benefit of the Order

7.—(1) Subject to paragraph (4) the undertaker may—

- (a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order which resides for the time being in the undertaker (including any of the numbered works) and such related statutory rights as may be agreed in writing 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 which resides for the time being in the undertaker (including any of the numbered works) and such related statutory rights as may be so agreed in writing [<sup>F2</sup>between] the undertaker and lessee.
- (2) Where such a transfer or grant has been 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) The consent of the Secretary of State is required for the exercise of the powers in paragraph (1) except where—
- (a) the transferee or lessee is—
    - (i) the holder of a licence under section 6 of the Electricity Act 1989 <sup>F3</sup>;
    - (ii) in relation only to a transfer or lease of Work No. 6 or Work No. 7, the holder of a licence under section 7 of the Gas Act 1986 <sup>F4</sup>; or
    - (iii) in relation to a transfer or lease of any works within a highway, a highway authority responsible for the highways within the Order land; or
  - (b) the time limits for all claims for compensation in respect of the acquisition of land or effects upon land under this Order have elapsed and—
    - (i) no such claims have been made;
    - (ii) any such claims that have been made have all been compromised or withdrawn;
    - (iii) compensation has been paid in final settlement of all such claims;
    - (iv) payment of compensation into court in lieu of settlement of all such claims has taken place; or
    - (v) it has been determined by a tribunal or court of competent jurisdiction in respect of all claims that no compensation is payable.
- (5) Where the consent of the Secretary of State is not required under paragraph (4) the undertaker must notify the Secretary of State in writing before transferring or granting a benefit referred to in paragraph (1).
- (6) The notification referred to in paragraph (5) must state—
- (a) the name and contact details of the person to whom the benefit of the powers will be transferred or granted;
  - (b) subject to paragraph (7), the date on which the transfer will take effect;
  - (c) the powers to be transferred or granted;
  - (d) pursuant to paragraph (3), the restrictions, liabilities and obligations that will apply to the person exercising the powers transferred or granted; and
  - (e) where relevant, a plan showing the works or areas to which the transfer or grant relates.
- (7) The date specified under paragraph (6)(b) must not be earlier than the expiry of five working days from the date of the receipt of the notice.
- (8) The notice given under paragraph (6) must be signed by the undertaker and the person to whom the benefit of the powers will be transferred or granted as specified in that notice.

- F2** Word in [art. 7\(1\)\(b\)](#) substituted (7.12.2018) by [The Eggborough Gas Fired Generating Station \(Correction\) Order 2018 \(S.I. 2018/1312\)](#), art. 1(2), **Sch.**
- F3** [1989 c.29.](#).
- F4** [1986 c.44](#). Section 7 (1) was amended by section 76 of the [Utilities Act 2000 \(c.27\)](#) and section 197 of, and part 1 of Schedule 23 to, the [Energy Act 2004 \(c.20\)](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Eggborough Gas Fired Generating Station Order 2018, PART 2.