
STATUTORY INSTRUMENTS

2020 No. 325

The Reinforcement to the North Shropshire Electricity Distribution Network Order 2020

PART 2

PRINCIPAL POWERS

Development consent etc. granted by the Order

3.—(1) The undertaker is granted development consent for the authorised development as set out in Schedule 1 (authorised development), to be carried out within the Order limits and subject to the provisions of this Order including the requirements set out in Schedule 2 (requirements).

(2) Subject to article 4 (limits of deviation), each numbered work must be situated in the area shown on the works plans.

Commencement Information

I1 Art. 3 in force at 14.4.2020, see [art. 1](#)

Limits of deviation

4. In carrying out or maintaining the authorised development the undertaker may—

- (a) subject to requirements 3 and 4, deviate from the lines or situations of the authorised development shown on the works plans and carry out construction and maintenance for the purposes of the authorised development anywhere within the Order limits; and
- (b) deviate vertically from the levels of the authorised development set out in column 3 of Table 1 of requirement 3—
 - (i) to any extent not exceeding 2 metres upwards; or
 - (ii) to any extent downwards as may be found necessary or convenient.

Commencement Information

I2 Art. 4 in force at 14.4.2020, see [art. 1](#)

Operation of authorised development

5.—(1) The undertaker is authorised to install and keep installed the authorised development.

(2) This article does not relieve the undertaker of obtaining any permit or licence under any other legislation that may be required from time to time authorising the installation, maintenance or use of the authorised development.

(3) The undertaker may use the authorised development as part of the electricity distribution system in England and Wales.

Commencement Information

I3 Art. 5 in force at 14.4.2020, see [art. 1](#)

Maintenance of authorised development

6.—(1) The undertaker may, at any time, maintain the authorised development, except to the extent that this Order, or an agreement made under this Order, provides otherwise.

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

Commencement Information

I4 Art. 6 in force at 14.4.2020, see [art. 1](#)

Benefit of the Order

7.—(1) Subject to article 8 (consent to transfer benefit of the Order), and paragraph (2), the provisions of this Order have effect solely for the benefit of the undertaker.

(2) Paragraph (1) does not apply where this Order provides an express benefit to owners and occupiers of land, statutory undertakers and other persons affected by the authorised development.

Commencement Information

I5 Art. 7 in force at 14.4.2020, see [art. 1](#)

Consent to transfer benefit of the Order

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

- (a) transfer to another person (“the transferee”) any or all of the benefit of this Order 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 this Order and such related statutory rights as may be so agreed.

(2) Where 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 of paragraph (1) except where—

- (a) the transferee or lessee is a statutory undertaker;
- (b) the transferee or lessee is a person who holds a licence issued under section 6(1) of the 1989 Act (licences authorising supply, etc) ^{M1}; or

- (c) 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 an exception in paragraph (4) applies, the undertaker must notify the Secretary of State in writing before transferring or granting any 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.

Commencement Information

I6 Art. 8 in force at 14.4.2020, see [art. 1](#)

Marginal Citations

M1 [1989 c.29](#). Section 6(1) was substituted by the [Utilities Act 2000 \(c. 27\)](#) section 30 and was amended by the [Energy Act 2004 c.20](#), [sections 136\(1\), 145](#) and 197, Schedule 23, Part 1 and by [S.I. 2012/2400](#).

Changes to legislation:

There are currently no known outstanding effects for the The Reinforcement to the North Shropshire Electricity Distribution Network Order 2020, PART 2.