

## SCHEDULES

### SCHEDULE 4

#### CERTIFIED CONTRACTS OF A BOARD

*Absence of relevant discharge terms*

5.—(1) Sub-paragraph (2) applies where—

- (a) the result of a determination or order made by a court on an application for judicial review is that a certified contract does not have effect; and
- (b) there are no relevant discharge terms having effect between the board and a person who is a party to the contract.

(2) That person shall be entitled to be paid by the board such sums (if any) as he would have been entitled to be paid by the board if the contract—

- (a) had had effect until the time when the determination or order was made; but
- (b) had been terminated at that time by acceptance by him of a repudiatory breach by the board.

(3) For the purposes of this paragraph the circumstances in which there are no relevant discharge terms having effect between the board and a person who is a party to the contract include (as well as circumstances in which no such terms have been agreed) circumstances in which the result of a determination or order of a court, made (despite paragraph 4(4)) on an application for judicial review, is that such terms do not have effect.