

## 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.