
STATUTORY INSTRUMENTS

2014 No. 2384

**The Thames Water Utilities Limited
(Thames Tideway Tunnel) Order 2014**

PART 2

WORKS PROVISIONS

Benefit of order

Transfer of benefit of Order

9.—(1) The undertaker may transfer to an infrastructure provider any or all of the benefit of the provisions of this Order (save for the powers of compulsory acquisition in articles 28 (compulsory acquisition of land), 29 (compulsory acquisition of rights), 30 (acquisition of subsoil only), 31 (acquisition of land limited to subsoil lying more than 9 metres beneath surface) and 41 (acquisition of part of certain properties)) and such related rights for such period as may be necessary for the construction, operation or maintenance of the authorised project as may be agreed between the undertaker and the infrastructure provider.

(2) Notwithstanding any transfer under paragraph (1) above the undertaker may with the consent of the Secretary of State transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order (save for the powers of compulsory acquisition in articles 28 (compulsory acquisition of land), 29 (compulsory acquisition of rights), 30 (acquisition of subsoil only), 31 (acquisition of land limited to subsoil lying more than 9 metres beneath surface) and 41 (acquisition of part of certain properties)) and such related rights for such period as may be necessary for the construction, operation or maintenance of the authorised project as may be agreed between the undertaker and the transferee.

(3) Where a transfer has been made in accordance with paragraph (1) or (2) references in this Order to the undertaker, except in paragraphs (1) and (4), shall include references to the infrastructure provider or transferee.

(4) The exercise by a person of any benefits or rights conferred in accordance with any transfer under paragraph (1) or (2) shall—

- (a) be subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by Thames Water Utilities Limited; and
- (b) not prevent Thames Water Utilities Limited benefitting from those provisions of this Order notwithstanding that those provisions may also benefit the infrastructure provider or transferee.

(5) In determining an application for consent under paragraph (2) the Secretary of State shall have regard to—

- (a) the importance of ensuring that the transferee has the necessary financial and other resources to undertake the authorised project in accordance with the restrictions, liabilities and obligations specified in paragraph (4)(a); and

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- (b) the need to secure (by way of performance bond or other measure) the performance by the transferee of its functions under this Order.