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STATUTORY INSTRUMENTS

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**2019 No. 578**

**The Millbrook Gas Fired Generating Station Order 2019**

**PART 2**

**PRINCIPAL POWERS**

**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 (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 (including any of the numbered works) 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 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 the holder of a licence under section 6 (licences authorising supply, etc) of the Electricity Act 1989<sup>M1</sup> or section 7 (licensing of public gas transporters) of the Gas Act 1986<sup>M2</sup>; 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    - (ii) any such claims that have been made have all been compromised or withdrawn;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.

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**Commencement Information**

**II** Art. 7 in force at 3.4.2019, see [art. 1](#)

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**Marginal Citations**

**M1** [1989 c.29](#). Section 6 was amended by section 30 of the [Utilities Act 2000 \(c.27\)](#), and section 6(10) amended by section 89(3) of the [Energy Act 2004 \(c.20\)](#). There are other amendments to this section that are not relevant to this Order.

**M2** [1986 c.44](#). Section 7 was amended by section 5 of the [Gas Act 1995 \(c.45\)](#) and section 76(2) of the [Utilities Act 2000 \(c.27\)](#). There are other amendments to the section that are not relevant to this Order.

**Changes to legislation:**

There are currently no known outstanding effects for the The Millbrook Gas Fired Generating Station Order 2019, Section 7.