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STATUTORY INSTRUMENTS

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**2022 No. 853**

**The Sizewell C (Nuclear Generating Station) Order 2022**

**PART 2**

**PRINCIPAL POWERS**

**Consent to transfer benefit of the Order**

- 9.—(1) The undertaker may, with the written consent of the Secretary of State—
- (a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed 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 and such related statutory rights as may be so agreed between the undertaker and the lessee.
- (2) The main platform works may not be operated or used except by a person with the benefit of the Order.
- (3) The Secretary of State must consult the Marine Management Organisation, East Suffolk Council and Suffolk County Council before giving consent under paragraph (1).
- (4) Where the undertaker seeks to transfer the benefit of some but not all of the Order powers, the Secretary of State shall take into account whether such partial transfer can take place without prejudicing—
- (a) delivery of the authorised development as a whole;
  - (b) the ability of the person bound by the Deed of Obligation following such transfer to meet all obligations contained therein;
  - (c) the ability of East Suffolk Council and Suffolk County Council to enforce the terms of the Deed of Obligation.
- (5) Where a transfer or grant has been made in accordance with this article, references in this Order to the undertaker, except in paragraph (5), include references to the transferee or the lessee.
- (6) Where the undertaker has transferred any benefit (“transferor”), or for the duration of any period during which the undertaker has granted any benefit (“grantor”), under paragraph (1) the exercise by a person of any benefits or rights conferred in accordance with any transfer or grant, is subject to the same restrictions, liabilities and obligations under this Order as would apply if those benefits or rights were exercised by the transferor or grantor.
- (7) The obligations of the undertaker under the Deed of Obligation are enforceable in accordance with article 10 (Enforcement of the Deed of Obligation) against any person to whom the power to construct or operate the main platform work has been transferred or granted under this article for so long as that person benefits from the power to construct or operate any of those works, and such transferee or lessee shall be treated for all purposes as the undertaker who entered into the Deed of Obligation with the other parties to it.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(8) The obligations of parties to the Deed of Obligation other than the undertaker are enforceable by any person to whom the power to construct or operate the main platform works has been transferred or granted under this article for so long as that person benefits from the power to construct or operate any of those works, and such parties shall be treated for all purposes as parties who entered into the Deed of Obligation with the transferee or lessee.