

SCHEDULES

SCHEDULE 5

Article 6

BENEFIT OF THE ORDER RULES

NPG Works

1. NPG may not carry out the NPG Works under sub-paragraph (3)(a) of article 3 (development consent etc. granted by the Order) except in accordance with the written consent of National Grid, which may be granted subject to reasonable conditions.

2. If NPG fails to carry out any of the NPG Works in accordance with National Grid's consent, National Grid may give NPG and the Secretary of State notice that National Grid intends to carry out the NPG Works.

3. On the date specified in any notice under paragraph (2) of this schedule—

- (a) NPG is to cease to have the benefit of sub-paragraph (1) of article 3 (development consent etc. granted by the Order) and sub-paragraph (1) of article 6 (benefit of the Order);
- (b) NPG is to cease to be an undertaker for the installation of the NPG Works but remains an undertaker for the purposes of keeping installed and maintaining the electric lines included in the NPG Works; and
- (c) references to NPG in article 39 (temporary use of land for maintaining the authorised development) are to be read as including National Grid.

4. Where a notice is issued under paragraph (2), paragraph (3) does not affect the following insofar as they apply to NPG—

- (a) the operation of the following articles of this Order—
 - (i) article 3(3)(b), (5) and (6);
 - (ii) article 4(2);
 - (iii) article 5;
 - (iv) article 6; and
- (b) works done and actions undertaken prior to the date specified in that notice.

NGN Works

5. NGN may not carry out the NGN Works under sub-paragraph (4)(a) of article 3 (development consent etc. granted by the Order) except in accordance with the written consent of National Grid, which may be granted subject to reasonable conditions.

6. If NGN fails to carry out any of the NGN Works in accordance with National Grid's consent, National Grid may give NGN and the Secretary of State notice that National Grid intends to carry out the NGN Works.

7. On the date specified in any notice under paragraph (6) of this schedule—

- (a) NGN is to cease to have the benefit of sub-paragraph (1) of article 3 (development consent etc. granted by the Order) and sub-paragraph (1) of article 6 (benefit of the Order);

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- (b) NGN is to cease to be an undertaker for the installation of the NGN Works but remains an undertaker for the purposes of keeping installed the underground gas pipelines included in the NGN Works; and
 - (c) references to NGN in article 39 (temporary use of land for maintaining the authorised development) are to be read as including National Grid.
- 8.** Where a notice is issued under paragraph (6), paragraph (7) does not affect the following insofar as they apply to NGN—
- (a) the operation of the following articles of this Order—
 - (i) article 3(4)(b), (5) and (7);
 - (ii) article 4(2);
 - (iii) article 5;
 - (iv) article 6; and
 - (b) works done and actions undertaken prior to the date specified in that notice.

General

- 9.** The exercise by NPG or NGN of any benefits or rights conferred on it by this Order is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by National Grid.
- 10.** Article 52 (arbitration) has effect in relation to any dispute under the terms of this schedule.