

CMP376

WACM11

The legal text for WACM11 is the same as the legal text for the original CMP376 as edited by the changes introduced for:

- (i) WACM1 which makes changes to Paragraph 16.3 (The User Progression Milestones and Evidence) of the new CUSC Section 16 specifically the first table (setting out the milestones and evidence) and third table (Construction Progression Milestones) within that Paragraph; and
- (i)
- (ii) WACM8 which makes changes to the new CUSC Section 16 specifically changes to Paragraph 16.4 (Project Milestone Communications) and changes to Paragraph 16.5 (Exceptional Issues on User Progression Milestones)

together with the additional change to Paragraph 16.5 (Exceptional Issues on User Progression Milestones) shown in red to the list of exceptional issues in the second Paragraph within that Paragraph 16.5.

16.5 Exceptional Issues on User Progression Milestones

There may be a small number of exceptional issues outwith the **User's** control which may lead to **User** project delay and a **User** not being able to meet a **User Progression Milestone**.

The Exceptional issues which apply in the context of the **Queue Management Process** are as follows:

- Where the **User** is delayed in carrying out the **User's Works** which entitles the **User** to fix a later date or dates under Clause 3.2 of the **Construction Agreement** (Delays and Force Majeure) and that delay is the reason that a **User Progression Milestone** is not met;
- Where the **User** is not able to meet a **User Progression Milestone** due to an event of **Force Majeure**;
- Where delays caused by a party (other than the **User**, **The Company** or a **Relevant Transmission Licensee**) can be demonstrated to have an impact upon the **User** meeting a **User Progression Milestone** and the **User** could not have avoided these delays or their impact by the exercise of **Good Industry Practice**

- Where a **User** is not able to meet a **User Progression Milestone** due to Planning appeals and third-party challenges in relation to the **User's Consents**;
- Any delay in the achievement of a milestone by the **User** which is caused by **Relevant Transmission Licensee** or **The Company**;
- Where a **User** is not able to meet milestone M7 (Project Commitment) because it has not yet been awarded the governmental or regulatory subsidy which provides financial support or incentive to the **User's** project. A **User** cannot rely on this exceptional issue more than twice.