

## 20. Modification of certain assigned rights

- (1) Despite anything to the contrary in a contract under which an assignee assumes the position of the corporation under this Part, the assignee is to offer to vary the price for access to which a person is entitled under the contract to a price not exceeding the statutory price applicable from time to time for the service provided for in the contract.
- (2) The varied price that is required by subsection (1) to be offered has effect, if accepted, from the time that the assignee assumes the position of the corporation unless the parties to the contract otherwise agree.
- (3) Subsection (1) does not apply to an exempt contract.
- (4) A contract to which subsection (1) applies may provide for a price for access that is above the maximum price, if any, prescribed by regulations for the service concerned.
- (5) In this section —

**“access”** means access to the capacity of the privatized DBNGP system to transport gas; and

**“exempt contract”**—

- (a) means a contract in respect of which a declaration under the *Gas Corporation Act 1994*, Schedule 5, clause 6 was in force immediately before the coming into operation of clause 17 (4) of Schedule 4 of this Act; and
- (b) includes a contract entered into —
  - (i) in substitution for a contract referred to in paragraph (a) or any provision of such a contract; or
  - (ii) by way of amendment of a contract referred to in paragraph (a) or subparagraph (i);

**“statutory price”** means the price that a person could insist on paying if the person were, at the time concerned, entering into a contract for the service concerned.