

SCHEDULE 22

Handback Requirements

This is Schedule 22 comprising the Handback Requirements referred to in the Project Agreement
for the provision of waste services to Cumbria

between

CUMBRIA COUNTY COUNCIL

and

SHANKS CUMBRIA LIMITED



DICKINSON DEES

Dickinson Dees LLP

St Ann's Wharf 112 Quayside Newcastle upon Tyne NE1 3DX

Telephone: (0191) 279 9000 Fax: (0191) 279 9100

Email: law@dickinson-dees.com www.dickinson-dees.com

SCHEDULE 22 - HANDBACK REQUIREMENTS

1. On the Expiry Date, all Waste Management Facilities shall be in a condition which is:-
 - 1.1 consistent with the requirements and obligations of Schedule 23 (Asset Management Plan); and
 - 1.2 consistent with the Waste Management Facilities and each of the elements of them having been designed, constructed and maintained in accordance with the requirements of the Service Delivery Plan. This will include a requirement that the key elements of the Ecodeco Plants have a remaining functional life of at least five (5) years, together referred to as (the "Handback Requirements").
2. The Contractor shall retain and maintain all records (including superseded records) referred to in this paragraph 2 in accordance with Good Industry Practice, in chronological order, in a form that is capable of audit and at its own expense. The Contractor shall make such records available for inspection to the Authority subject to receipt of reasonable notice:-
 - 2.1 the Project Agreement, its Schedules and the Project Documents including all amendments to such agreements;
 - 2.2 all other documents, software or other information expressly referred to in this Agreement.
 - 2.3 Project Data;
 - 2.4 documents, drawings, design data or submissions raised in accordance with Schedule 8 (Review Procedure);
 - 2.5 documents relating to planning applications, consents, refusals and appeals;
 - 2.6 records relating to any specialist or statutory inspections of the Waste Management Facilities, including any roadways;
 - 2.7 notices, reports, results and certificates relating to completion of the Works and completion of the commissioning activities;
 - 2.8 all operation and maintenance manuals;
 - 2.9 all certificates, licences, registrations or warranties related to the provision of services;
 - 2.10 documents related to referrals to the Dispute Resolution Procedure;
 - 2.11 documents related to change in ownership or any interest in any or all of the shares in the Contractor and/or HoldCo;
 - 2.12 documents relating to Market Testing;
 - 2.13 records required by law (including in relation to Health and Safety matters and Health and Safety files prepared pursuant to CDM Regulations) and all Consents;
 - 2.14 documents relating to insurance and insurance claims relating to the Relevant Insurances.