

# Order Schedule 12 (Clustering)

## 1. When you should use this Schedule

- 1.1 This Schedule is required where various Other Contracting Authorities want to join with the Buyer to efficiently contract collectively under a single Order Contract rather than as separate individual Buyers under separate Order Contracts.

## 2. Definitions

- 2.1 **"Cluster Members"** means a person named as such in the Annex A to this Schedule which shall be incorporated into the Order Form.

## 3. Cluster Members benefits under the Contract

- 3.1 The Buyer has entered into this Order Contract both for its own benefit and for the benefit of the Cluster Members.
- 3.2 The Cluster Members who are to benefit under the Order Contract are identified in Annex 1 to this Schedule which shall be included into the Order Form.
- 3.3 Cluster Members shall have all of the rights granted to the Buyer under an Order Contract as if they had been parties to the Order Contract themselves. Accordingly, where the context requires in order to assure the Cluster Members rights and benefits under an Order Contract, and unless the Buyer otherwise specifies, references to the Buyer in an Order Contract (including those references to a Party which are intended to relate to the Buyer) shall be deemed to include a reference to the Cluster Members.
- 3.4 Each of the Cluster Members will be a third party beneficiary for the purposes of the CRTPA and may enforce the relevant provisions of an Order Contract pursuant to CRTPA.
- 3.5 The Parties to an Order Contract may in accordance with its provisions vary, terminate or rescind that Order Contract or any part of it, without the consent of any Cluster Member.
- 3.6 The enforcement rights granted to Cluster Members under Paragraph 3.4 are subject to the following provisions:
  - 3.6.1 the Buyer may enforce any provision of an Order Contract on behalf of a Cluster Member;
  - 3.6.2 any claim from a Cluster Member under the CRTPA to enforce an Order Contract shall be brought by the Buyer if reasonably practicable for the Buyer and Cluster Member to do so; and
  - 3.6.3 the Buyer will ensure that Cluster Members comply with Clause 34 in respect of any Disputes that involve a Cluster Member; and
- 3.6.4 The Supplier's limits and exclusions of liability in the Order Contract shall apply to any claim to enforce an Order Contract made by the Buyer on behalf of a Cluster Member and to any claim to enforce an Order Contract made by a Cluster Member acting on its own behalf.
- 3.7 Notwithstanding that Cluster Members shall each receive the same Services from the Supplier the following adjustments will apply in relation to how the Order Contract will operate in relation to the Buyer and Cluster Members:
  - 3.7.1 Services will be provided by the Supplier to each Cluster Member and Buyer separately;

- 3.7.2 the Supplier's obligation in regards to reporting will be owed to each Cluster Member and Buyer separately;
- 3.7.3 the Buyer and Cluster Members shall be entitled to separate invoices in respect of the provision of Deliverables;
- 3.7.4 the separate invoices will correlate to the Deliverables provided to the respective Buyer and Cluster Members;
- 3.7.5 the Charges to be paid for the Deliverables shall be calculated on a per Cluster Member and Buyer basis and each Cluster Member and the Buyer shall be responsible for paying their respective Charges;
- 3.7.6 the Service Levels and corresponding Service Credits will be calculated in respect of each Cluster Member and Buyer, and they will be reported and deducted against Charges due by each respective Cluster Member and Buyer; and
- 3.7.7 such further adjustments as the Buyer and each Cluster Member may notify to the Supplier from time to time.

## Annex A – Cluster Members

The Deliverables shall also be provided for the benefit of the following Cluster Members:

<b>Name of Cluster Member</b>	<b>Services to be provided</b>	<b>Duration</b>	<b>Special Terms</b>
Advisory Committee on Releases to the Environment	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
Agriculture and Horticulture Development Board	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
Animal and Plant Health Agency	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
Board of Trustees of the Royal Botanic Gardens Kew	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
British Wool	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
Broads Authority	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
Centre for Environment, Fisheries and Aquaculture Science	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
Consumer Council for Water	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
Covent Garden Market Authority	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
Dartmoor National Park Authority	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
Defra's Science Advisory Council	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
Department for Environment, Food and Rural Affairs	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
Department of Agriculture, Environment and Rural Affairs (Northern Ireland paying agency)	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure

<b>Name of Cluster Member</b>	<b>Services to be provided</b>	<b>Duration</b>	<b>Special Terms</b>
Environment Agency	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
Exmoor National Park Authority	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
Flood Re	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
Forestry Commission	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
Independent Agricultural Appeals Panel	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
Joint Nature Conservation Committee	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
Lake District National Park Authority	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
Marine Management Organisation	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
National Forest Company	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
Natural England	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
New Forest National Park Authority	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
North York Moors National Park Authority	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
Northumberland National Park Authority	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
Office for Environmental Protection	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
Peak District National Park Authority	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure

<b>Name of Cluster Member</b>	<b>Services to be provided</b>	<b>Duration</b>	<b>Special Terms</b>
Plant Varieties and Seeds Tribunal	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
Rural Payments Agency	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
Rural Payments and Services (Scottish paying agency)	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
Rural Payments Wales (Welsh paying agency)	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
Seafish	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
South Downs National Park Authority	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
The Water Services Regulation Authority	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
Veterinary Medicines Directorate	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
Veterinary Products Committee	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure
Yorkshire Dales National Park Authority	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure	Confirmed using the Variation Procedure