
Changes to legislation: Children's Hearings (Scotland) Act 2011, Paragraph 5 is up to date with all changes known to be in force on or before 27 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 4 TRANSFER OF STAFF AND PROPERTY TO CHS

Transfer of property etc. to CHS

- 5 (1) The Scottish Ministers may make a transfer scheme.
- (2) A transfer scheme is a scheme making provision for or in connection with the transfer to CHS of property, rights, liabilities and obligations of any of the following—
- (a) SCRA,
 - (b) a local authority,
 - (c) the Scottish Ministers.
- (3) A transfer scheme must specify a date (the “transfer date”) on which the transfer is to take effect.
- (4) A transfer scheme may—
- (a) specify different dates in relation to different property, rights, liabilities and obligations,
 - (b) make different provision in relation to different cases or classes of case.
- (5) On the transfer date—
- (a) any property or rights to which a transfer scheme applies transfer to and vest in CHS,
 - (b) any liabilities or obligations to which such a scheme applies become liabilities or obligations of CHS.
- (6) A transfer scheme may make provision for the creation of rights, or the imposition of liabilities, in relation to the property, rights, liabilities or obligations transferred by virtue of the scheme.
- (7) A certificate issued by the Scottish Ministers that any property, right, liability or obligation has, or has not, been transferred by virtue of a transfer scheme is conclusive evidence of the transfer or the fact that there has not been a transfer.
- (8) A transfer scheme may in particular make provision about the continuation of legal proceedings.
- (9) A transfer scheme may make provision for CHS to make any payment which—
- (a) before a day specified in the scheme could have been made by a person specified in sub-paragraph (2)(a) or (b), but
 - (b) is not a liability which can become a liability of CHS by virtue of a transfer scheme.
- (10) A transfer scheme may make provision for the payment by CHS of compensation in respect of property and rights transferred by virtue of the scheme.
- (11) Before making a transfer scheme, the Scottish Ministers must consult—
- (a) CHS,
 - (b) the person mentioned in sub-paragraph (2)(a) or (b) whose property, rights, liabilities and obligations (or any of them) are to be transferred by virtue of the scheme, and
 - (c) any other person with an interest in the property, rights, liabilities or obligations which are to be so transferred.

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Commencement Information

II Sch. 4 para. 5 in force at 24.6.2013 by S.S.I. 2013/195, arts. 2, 3

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 17A inserted by [2020 asp 16 s. 6\(2\)](#)
- s. 25(3) inserted by [2020 asp 16 s. 30\(7\)](#)
- s. 27(3)-(4A) substituted for s. 27(3)(4) by [2020 asp 16 s. 3\(2\)](#)
- s. 62(5)(q)-(u) inserted by [2020 asp 9 s. 8\(2\)\(b\)](#)
- s. 163(2)-(2B) substituted for s. 163(2) by [2020 asp 16 s. 27\(3\)\(b\)](#)
- s. 164(2)-(2B) substituted for s. 164(2) by [2020 asp 16 s. 27\(4\)\(b\)](#)
- s. 165(2)-(2B) substituted for s. 165(2) by [2020 asp 16 s. 27\(5\)\(b\)](#)