



Transport Act (Northern Ireland) 1967

1967 CHAPTER 37

PART VI

DISTRIBUTION OF THE UNDERTAKING OF THE AUTHORITY

68 Vesting of the Authority's undertaking in the Holding Company

- (1) On the appointed day the undertaking of the Ulster Transport Authority (in this Act referred to as “the Authority”) shall by virtue of this Act be transferred to and vest in the Holding Company.
- (2) Subject to the following provisions of this section, all property which immediately before the appointed day was the property of the Authority shall vest in the Holding Company and, as from the appointed day, the Holding Company shall, to the exclusion of the Authority, have all rights and be subject to all liabilities which the Authority had or to which the Authority were subject immediately before the appointed day (not being rights or liabilities arising under any enactment repealed by this Act).
- (3) Subject to the provisions of this section, every agreement to which the Authority were a party, whether in writing or not and whether or not of such nature that rights and liabilities thereunder could be assigned by the Authority, shall, unless its terms or subject-matter make it impossible that it should have effect as modified in the manner provided by this subsection have effect as from the appointed day as if—
 - (a) the Holding Company had been a party to the agreement; and
 - (b) for any reference (however worded and whether express or implied) to the Authority there were substituted, as respects anything falling to be done on or after the appointed day, a reference to the Holding Company; and
 - (c) any reference (however worded and whether express or implied) to any officer or any servant of the Authority were, as respects anything falling to be done on or after the appointed day, a reference to such person as the Holding Company may appoint, or, in default of appointment, to the officer or servant of the Holding Company who corresponds as nearly as may be to the first mentioned officer or servant; and

*Changes to legislation: There are currently no known outstanding effects for the
Transport Act (Northern Ireland) 1967, Section 68. (See end of Document for details)*

- (d) in the case of an agreement for the rendering of personal services to the Authority, the services to which the agreement relates were, on and after the appointed day, any reasonably comparable services under the Holding Company, to be selected, by the Company; and
 - (e) save as provided by paragraphs (c) and (d), any reference (however worded and whether express or implied) to the undertaking of the Authority were as respects the period beginning with the appointed day a reference to so much of the undertaking of the Holding Company as corresponds to the undertaking of the Authority.
- (4) The provisions of subsection (3) (except paragraphs (a) and (d) thereof) shall apply in relation to any statutory provision, any provision of any agreement to which the Authority were not a party, and any provision of any other document not being an agreement, as they apply in relation to an agreement to which the Authority were a party.

The statutory or other provisions to which this subsection applies include statutory or other provisions passed or made after the passing of this Act but before the appointed day.

- (5) Without prejudice to the generality of the preceding provisions of this section, where, by the operation of any of the said provisions, any right or liability becomes a right or liability of the Holding Company, the Company and all other persons shall, as from the appointed day, have the same rights, powers and remedies (and in particular the same rights and powers as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right or liability as they would have had if it had at all times been a right or liability of the Company, and any legal proceedings or applications to any authority pending on the appointed day by or against the Authority, in so far as they relate to any property, right or liability transferred to the Company under this section, or to any agreement, statutory provision or document which has effect in accordance with subsection (3) or subsection (4) of this section, shall be continued by or against the Company to the exclusion of the Authority.

Changes to legislation:

There are currently no known outstanding effects for the Transport Act (Northern Ireland) 1967, Section 68.