

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2002 No. 263**

**The Scottish Transport Group (Dissolution) Order 2002**

**Transfer of property, rights and liabilities**

3.—(1) On the abolition date there shall be transferred to the Scottish Ministers all such property, rights and liabilities (whether or not of such a nature that they could be assigned by the Group) as immediately before the abolition date belonged to or were incumbent upon the Group.

(2) Where immediately before the abolition date there is in force an agreement which confers or imposes on the Group any rights or liabilities which are transferred to the Scottish Ministers by virtue of paragraph (1) above, that agreement shall have effect on and after that date as if—

- (a) the Scottish Ministers had been a party to the agreement;
- (b) for any reference (in whatever terms and whether expressly or by implication) to the Group there were substituted, in relation to anything falling to be done on or after that date, a reference to the Scottish Ministers; and
- (c) for any reference (in whatever terms and whether expressly or by implication) to an officer or employee of the Group, not being a party to the agreement and beneficially interested in it, there were substituted, in relation to anything falling to be done on or after that date, a reference to such a person as the Scottish Ministers may appoint.

(3) Paragraph (2) above shall, as far as applicable, apply in relation to any provision of an instrument or other document, not being an agreement to which the Group was a party, if and in so far as the provision in question relates to any of the transferred rights and liabilities, as it applies in relation to an agreement to which the Group was a party.

(4) Where any right or liability is transferred to the Scottish Ministers by virtue of this Order, they and all other persons shall, on and after the abolition date, have the same rights, powers and remedies (in particular, the same rights as to the taking or resisting of legal proceedings) 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 Scottish Ministers and any legal proceedings by or against the Group which relate to any property, right or liability transferred to the Scottish Ministers by virtue of this Order, and are pending immediately before the abolition date, may be continued on and after that date by or against the Scottish Ministers.

(5) Nothing in paragraphs (2) to (4) above, shall be taken as prejudicing the general effect of paragraph (1); and paragraphs (2) and (3) above shall have effect for the interpretation of agreements and other documents subject to context, and shall not apply where the context otherwise requires.