

SCHEDULES

SCHEDULE 2

Article 125(2)

TRANSFER TO THE EXECUTIVE OF TRAVELLERS' CARAVAN SITES

1. In this Schedule—

“the appointed day” means the day appointed for the coming into operation of Article 125;

“transferee” means the Executive;

“transferor” means any district council which provides a travellers' caravan site;

“travellers' caravan site” means any caravan site—

(a) which is provided under section 21 of the Caravans Act (Northern Ireland) 1963 (c. 17) for the accommodation of travelling people, and

(b) in respect of which the Department has made a grant under Article 8 of the [Local Government \(Miscellaneous Provisions\) \(Northern Ireland\) Order 1985 \(NI 15\)](#),

and includes any working space and facilities for the carrying on of such activities as are normally carried on by travelling people at such a site.

2.—(1) Subject to the provisions of this Schedule and any order made under sub-paragraph (2), there shall, on the appointed day, be transferred to and vested in the transferee by virtue of this Schedule—

(a) any real or personal property which, immediately before the appointed day, was held by a transferor wholly or partly for the purposes of providing a travellers' caravan site; and

(b) any rights and liabilities to which a transferor was entitled or subject immediately before that day in relation to, or in connection with, any such property.

(2) The Department may by order make such supplementary, consequential or transitional provision as appears to it to be necessary or expedient in consequence of the coming into operation of Article 125 or this Schedule.

(3) An order under sub-paragraph (2) may, in particular, provide—

(a) for excluding any property, right or liability from the operation of this Schedule or including any property, right or liability within its scope;

(b) for the determination, in default of agreement, of any question arising as to whether any property, right or liability will be or has been transferred under this Schedule;

(c) for the issue of certificates which shall be conclusive evidence that any property, right or liability has been transferred under this Schedule;

(d) where any property, right or liability transferred under this Schedule or the title to any such property or right is entered on any register kept in pursuance of any statutory provision, for the amendment of the entry by the person keeping the register;

(e) for enabling pending proceedings relating to any property, rights or liabilities transferred under this Schedule to be continued;

(f) for substituting for any reference to a transferor, in any statutory provision or any document whatsoever affecting any property, right or liability transferred under this Schedule, a reference to the transferee;

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Housing (Northern Ireland) Order 2003 No. 412*

(g) for amending any statutory provision.

3. Any travellers' caravan site which is transferred to the transferee by virtue of this Schedule, shall be treated, from the appointed day, as a caravan site provided and managed by the transferee under Article 28A of the Order of 1981, and that Article shall apply accordingly.

4. Part IV of the [Local Government \(Miscellaneous Provisions\) \(Northern Ireland\) Order 1985 \(NI 15\)](#) (control by district councils of encampments for travelling people) shall cease to have effect.