

SCHEDULES

SCHEDULE 3

TRANSITIONAL PROVISIONS ON REDISTRIBUTION OF ACTIVITIES OF EXISTING ORGANISATIONS

- 1 (1) Subject to the following provisions of this paragraph, where in accordance with section 3(1) to (3) of this Act activities of a body (hereafter referred to as " the predecessor ") are taken over by one of the Research Councils, then on the date of that event (hereafter referred to as " the transfer date ") there shall by virtue of this Act and without further assurance be transferred to that Council all property, rights, liabilities and obligations to which immediately before the transfer date the predecessor was entitled or subject in connection with those activities.
- (2) Subject as aforesaid, every agreement to which in relation to or for the purposes of the relevant activities the predecessor was a party immediately before the transfer date, whether in writing or not and whether or not of such a nature that rights, liabilities and obligations thereunder could be assigned by the predecessor, shall, unless its terms or subject-matter make it impossible that it should have effect as modified in the manner provided by this sub-paragraph, have effect as from the transfer date as if—
- (a) the Research Council had been a party to the agreement;
 - (b) for any reference (however worded and whether express or implied) to the predecessor there were substituted, as respects anything falling to be done on or after the transfer date, a reference to the Research Council;
 - (c) for any reference (however worded and whether express or implied) to any member or officer of the predecessor there were substituted, as respects anything falling to be done on or after the transfer date, a reference to such person as the Research Council may appoint, or, in default of appointment, to the member or officer of that Council who corresponds as nearly as may be to the member or officer in question of the predecessor ;
 - (d) in the case of an agreement for the rendering of personal services to the predecessor, the services to which the agreement relates were, on and after the transfer date, any services under the Council, to be selected by the Council, which are reasonably equivalent services.
- (3) Other documents, not being enactments, Orders in Council or orders, rules, regulations or similar instruments having effect under an enactment, which refer, whether specifically or generally, to the predecessor in relation to or for the purposes of the relevant activities shall be construed in accordance with sub-paragraph (2) above so far as applicable.
- (4) Without prejudice to the generality of the foregoing sub-paragraphs, where, by the operation of any of them, any right, liability or obligation vests in a Research Council, the Council and all other persons shall, as from the transfer date, have the same rights, powers and remedies (and, in particular, the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for asserting, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the Research Council.

- (5) Any legal proceedings or application to any authority pending on the transfer date by or against the predecessor in relation to or for the purposes of the relevant activities may be continued on and after that date by or against the Research Council.
- (6) In relation to activities of the Council for Scientific and Industrial Research which are taken over by a government department, the foregoing sub-paragraphs shall apply with the substitution for references to a Research Council of references to that department or the Minister in charge of it, as the case requires ; and on any question whether for purposes of this paragraph any matter is to be treated as referable to one branch or another of the activities of the Council for Scientific and Industrial Research, or to whom under this paragraph any property, rights, liabilities or obligations of that Council are transferred, the certificate of the Secretary of State shall be conclusive.
- (7) The Secretary of State may by order—
- (a) except from any transfer under this paragraph any books, papers or documents which in his opinion are not required in connection with the continuance of the relevant activities, and provide (if need be) for the disposal of anything so excepted; and
 - (b) so far as appears to him necessary or expedient for giving full effect to a transfer of activities in accordance with section 3(1) to (3) of this Act, provide, in the case of a local Act or Act confirming a provisional order, (after such consultation with any authority or body having functions under the Act as appears to him to be appropriate) for the repeal or amendment of any provision in that Act which affects the predecessor and make transitional, supplemental or incidental provision in connection with any such repeal or amendment; and
 - (c) in relation to activities of the Council for Scientific and Industrial Research make such further or other provision as appears to him to be appropriate having regard to the circumstances of that Council and the division of its activities between Research Councils and government departments.
- 2 (1) For purposes of the accounts of the National Institute for Research in Nuclear Science, the National Oceanographic Council and the Nature Conservancy, the financial year beginning last before the transfer date shall be treated as ending with the day before the transfer date.
- (2) The Science Research Council shall be responsible for the accounts and audit of the National Institute for Research in Nuclear Science for any period before the transfer date, so far as may be necessary for completing the accounts and audit and submitting the accounts and any report of the auditor on them to the United Kingdom Atomic Energy Authority.
- (3) The Natural Environment Research Council shall be responsible for the accounts and audit of the National Oceanographic Council for any period before the transfer date, so far as may be necessary for completing the accounts and submitting them to the Comptroller and Auditor General.
- (4) The Natural Environment Research Council shall be responsible for the accounts and audit of the Nature Conservancy for any period before the transfer date, so far as may be necessary for completing the accounts and submitting them to the Treasury; and section 96(3) and (4) of the National Parks and Access to the Countryside Act 1949 : (which relate to audit) shall apply to accounts prepared by the Natural Environment

Status: This is the original version (as it was originally enacted).

Research Council by virtue of this sub-paragraph as if they had been prepared by the Nature Conservancy.

- 3 Where the predecessor is required to make any annual report on its activities, the first annual report under this Act of a Research Council shall deal, for any period after the one covered by the last annual report made by the predecessor before the transfer date, with any of those activities which are taken over on the transfer date by the Council.
- 4 (1) Section 2 of the Atomic Energy Authority Act 1959 (which enables pension schemes of the United Kingdom Atomic Energy Authority to extend to staff of the National Institute for Research in Nuclear Science), and, without prejudice to any power to amend the scheme, any provision included in a scheme by virtue of that section, shall
- (a) continue to apply to officers and other persons employed by the National Institute for Research in Nuclear Science who on the transfer date are by paragraph 1 above transferred to the employment of the Science Research Council; and
 - (b) apply to officers and other persons taken into the employment of the Science Research Council subsequent to the coming into force of the provisions of section 3(2) of this Act to work on activities taken over under that subsection from the National Institute for Research in Nuclear Science (whether or not while in that employment they cease to be engaged in those activities),
- and shall have effect in relation to them as if their employment with the Council were employment with the Institute.
- (2) The Science Research Council shall pay to the United Kingdom Atomic Energy Authority in respect of any payments falling to be made by the Authority by virtue of sub-paragraph (1) above, or in respect of the accruing liability for any such payments, such sums as may be agreed between the Council and the Authority or as, in default of agreement between them, may be determined by the Treasury.
- 5 The provisions of this Act relating to the Nature Conservancy and to the National Parks and Access to the Countryside Act 1949 shall not affect the validity of anything done by or in relation to the Nature Conservancy under or for the purposes of Part III of that Act before the date when those provisions come into force; and (without prejudice to paragraph 1 above) as from that date things so done, including any regulations relating to or byelaws made by the Nature Conservancy, shall have effect, and the said Act shall apply in relation thereto, as if they had been done by or in relation to the Natural Environment Research Council and, in the case of an authority under section 103(1) of the Act, as if it had been given by the Secretary of State.