

SCHEDULES

SCHEDULE 2

Section 2.

SUPPLEMENTARY PROVISIONS AS TO VESTING OF PROPERTY ETC

- 1 In this Schedule " the former Agents " means the persons who at any material time before the appointed day held office under the Crown (whether as the Crown Agents for Oversea Governments and Administrations or by any other name) as the persons appointed to act as agents or trustees for oversea governments and administrations.
- 2 Every agreement to which the former Agents or any of them in their capacity as such were a party immediately before the appointed day, whether in writing or not and whether or not of such nature that rights, liabilities and obligations under it could be assigned by the former Agents or any of them, shall have effect as from that day as if—
- (a) the Crown Agents had been a party to the agreement;
 - (b) for any reference (however worded, and whether express or implied) to the former Agents or any of them there were substituted, as respects anything falling to be done on or after the appointed day, a reference to the Crown Agents ; and
 - (c) for any reference (however worded, and whether express or implied) to any member or officer of the former Agents, not being a party to the agreement and beneficially interested therein, there were substituted, as respects anything falling to be done on or after the appointed day, a reference to such person as the Crown Agents may appoint, or, in default of appointment, to the member or officer of the Crown Agents who corresponds as nearly as may be to the member or officer of the former Agents.
- 3 (1) Every agreement, whether in writing or not, and every document (not being an agreement to which paragraph 2 applies or an enactment) which refers whether specifically or generally to the former Agents or any of them in their capacity as such shall be construed in accordance with the provisions of that paragraph so far as applicable.
- (2) The agreements to which sub-paragraph (1) applies include any agreement to which paragraph 2 would apply but for the fact that rights, liabilities or obligations under it which were previously vested in one of the former Agents as a party to the agreement are, immediately before the appointed day, vested in a person who is not a party to the agreement.
- 4 Without prejudice to the generality of paragraphs 2 and 3, where any right, liability or obligation vests in the Crown Agents by virtue of this Act, the Crown Agents and all other persons shall, as from the appointed day, 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 ascertaining, 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 Crown Agents.

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

- 5 Without prejudice to the generality of paragraphs 2 and 3, any legal proceedings or applications to any authority pending on the appointed day—
- (a) by the Crown in connection with the unincorporated Agents, or by the unincorporated Agents ; or
 - (b) against—
 - (i) the Crown in connection with the unincorporated Agents or any of them ; or
 - (ii) the former Agents or any of them ; or
 - (iii) any other person as the successor of any of the former Agents,
- shall, so far as they relate to any property, right, liability or obligation vesting in the Crown Agents by virtue of this Act or to any agreement or document which has effect in accordance with paragraph 2 or 3, be continued by or against the Crown Agents to the exclusion (where applicable) of the Crown or, as the case may be, the relevant person or persons mentioned in sub-paragraph (a) or (b).
- 6 (1) If any question arises whether any particular item of property or any particular right, liability or obligation vested or will vest in the Crown Agents on the appointed day by virtue of this Act, that question shall be referred to and determined by the Minister.
- (2) A certificate issued by or under the authority of the Minister and stating the result of any determination under sub-paragraph (1) shall be conclusive for all purposes.