

Status: Point in time view as at 10/03/1995.

Changes to legislation: There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Cross Heading: Restrictions on dealing with certain land. (See end of Document for details)

SCHEDULE 11

WATER AND SEWERAGE TRANSFER SCHEMES

Restrictions on dealing with certain land

- 6 (1) If, as regards a transfer to which this Schedule applies from an islands or regional council, the Secretary of State is satisfied on the representation of the regional council's successor, or the islands council, or the transferee—
- (a) that, in consequence of the transfer, different interests in land, whether the same or different land, are held by the successor or islands council and by the transferee; and
 - (b) that the circumstances are such that this paragraph should have effect,
- the Secretary of State may direct that this paragraph shall apply to such of that land as may be specified in the direction.
- (2) While the direction mentioned in sub-paragraph (1) above remains in force—
- (a) neither the successor, or islands council, nor the transferee shall dispose of any interest to which they may respectively be entitled in any of the specified land, except with the consent of the Secretary of State;
 - (b) if, in connection with any proposal to dispose of any interest of either the successor (or council) or the transferee in any of the specified land, it appears to the Secretary of State to be necessary or expedient for the protection of either of them, he may—
 - (i) require either the successor (or council) or the transferee to dispose of any interest to which they may be entitled in any of the specified land to such person and in such manner as may be specified in the requirement;
 - (ii) require either the successor (or council) or the transferee to acquire from the other any interest in any of the specified land to which that other is entitled; or
 - (iii) consent to the proposed disposal subject to compliance with such conditions as the Secretary of State may see fit to impose.
- (3) A person other than the successor (or islands council) or the transferee dealing with, or with a person claiming under, either the successor (or council) or the transferee shall not be concerned—
- (a) to see or enquire whether this paragraph applies, or has applied, in relation to any land to which the dealing relates; or
 - (b) as to whether the provisions of this paragraph have been complied with in connection with that, or any other, dealing with that land;
- and no transaction between persons other than the successor (or council) and the transferee shall be invalid by reason only of a failure to comply with those provisions.

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