

SCHEDULES

SCHEDULE 3

DELEGATION OF MINISTERIAL FUNCTIONS: TRANSFER SCHEMES

Contents of scheme

- 2 (1) The property, rights and liabilities which may be transferred by a transfer scheme include property, rights and liabilities that would not otherwise be capable of being transferred or assigned.
- (2) The transfers authorised by sub-paragraph (1) include transfers which are to take effect as if there were no such contravention, liability or interference with any interest or right as there would otherwise be by reason of any provision having effect (whether under any enactment or agreement or otherwise) in relation to the terms on which the transferor is entitled to the property or right, or subject to the liability, in question.
- 3 A transfer scheme may define the property, rights and liabilities to be transferred by the scheme by specifying or describing them or by referring to all the property, rights and liabilities comprised in a specified part of the undertaking of the transferor (or partly in one way and partly in the other).
- 4 A transfer scheme may also contain provision—
- (a) for the creation, in relation to property which the scheme transfers, of an interest in or right over the property in favour of the transferor;
 - (b) for the creation of any rights or liabilities as between two or more of the regional development agencies, or as between one or more of them and the Crown;
 - (c) for any rights or liabilities specified or described in the scheme to be, or to be to any extent, enforceable by or against two or more of the regional development agencies, or by or against one or more of them and the Crown;
 - (d) for imposing on any two or more of the regional development agencies, or on one or more of them and the Crown, an obligation to enter into written agreements with, or execute other instruments in favour of, each other.
- 5 A scheme under paragraph 1(1) may also contain provision—
- (a) for the creation in favour of a regional development agency of an interest in or right over property retained by the Crown;
 - (b) for the creation in favour of one regional development agency of an interest in or right over property which the scheme transfers to another regional development agency.
- 6 A scheme under paragraph 1(2) may also contain provision for the creation in favour of the Crown of an interest in or right over property retained by a regional development agency.
- 7 A transfer scheme may make such supplemental, incidental and consequential provision as the Minister making it considers appropriate.