Greater London Authority Act 1999

1999 CHAPTER 29

PART XII

SUPPLEMENTARY PROVISIONS

Transfers

412 Transfer and pension instruments: common provisions

(1) The property, rights and liabilities which may be transferred by a transfer or pension instrument include—

(a) property, rights and liabilities that would not otherwise be capable of being transferred or assigned; and

(b) rights and liabilities under enactments.

(2) No right of reverter, right of pre-emption, right of forfeiture, right of re-entry, right to compensation, option or similar right affecting any land or other property shall operate or become exercisable as a result of any transfer of land or other property by virtue of a transfer or pension instrument (whether or not any consent required to the transfer has been obtained).

(3) No right to terminate or vary a contract or instrument shall operate or become exercisable, and no provision of a contract or relevant document, shall operate or become exercisable or be contravened, by reason of any transfer by virtue of a transfer or pension instrument.

(4) For purposes connected with any transfers made by virtue of a transfer or pension instrument (including the transfer of rights and liabilities under an enactment) a body or person to which anything is transferred by virtue of the instrument is to be treated as the same person in law as the body or person from which it is transferred, except as otherwise provided in the instrument.

(5) Subsection (4) above is without prejudice to section 300 above, section 415 below or any other provision made by or under this Act which makes transitional provision in relation to a transfer.

(6) Subsections (2) to (5) above shall have effect in relation to—

(a) the grant or creation of an estate or interest in, or right over, any land or other property, or

(b) the doing of any other thing in relation to land or other property,

as they have effect in relation to a transfer of land or other property.

(7) A transfer or pension instrument may define the property, rights and liabilities to be transferred by it—

(a) by specifying or describing them;

(b) by referring to all (or all but so much as may be excepted) of the property, rights and liabilities comprised in a specified part of the undertaking of the transferor; or

(c) partly in the one way and partly in the other.

(8) A transfer or pension instrument may make provision for the apportionment or division of any property, rights or liabilities.

(9) Where a transfer or pension instrument makes provision for the apportionment or division between two or more persons of any rights or liabilities under a contract, the contract shall have effect, as from the coming into force of the provision, as if it constituted two or more separate contracts separately enforceable by and against each of those persons respectively as respects the part of the rights or liabilities which falls to him as a result of the apportionment or division.

(10) The provision that may be made by a transfer or pension instrument includes provision for—

(a) any transfer of land or other property by virtue of the instrument,

(b) the grant or creation of any estate or interest in, or right over, any land or other property by virtue of the instrument, or

(c) the doing of any other thing in relation to land or other property by virtue of the instrument,

to be on such terms, including financial terms, as the body or person making the instrument thinks fit.

(11) A transfer or pension instrument, other than an order under section 411 above, may provide—

(a) that disputes as to the effect of the instrument between the transferor and any transferee are to be referred to such arbitration as may be specified in or determined under the instrument;

(b) that determinations on such arbitrations and certificates given jointly by the transferor and any transferee as to the effect of the instrument as between them are to be conclusive for all purposes.

(12) A Minister of the Crown may by order confer on any body or person to whom property, rights or liabilities are transferred by a transfer or pension instrument any statutory functions which were previously exercisable in relation to that property or, as the case may be, those rights or liabilities—

(a) by a body or person falling within subsection (3) of section 408 above; or

(b) in the case of a transfer under or by virtue of section 411 above, the transferor under the instrument.

(13) It shall be the duty—

(a) of each of the bodies and persons falling within subsection (2) or (3) of section 408 above, and

(b) of the trustees or managers, or administrators, of any pension scheme,

to provide any Minister of the Crown with such information or assistance as he may reasonably require for the purposes of, or in connection with, the exercise of any powers exercisable by him in relation to transfer or pension instruments.

(14) Where any person is entitled, in consequence of any transfer made by virtue of a transfer or pension instrument, to possession of a document relating in part to the title to, or to the management of, any land or other property in England and Wales—

(a) the instrument may contain provision for treating that person as having given another person an acknowledgment in writing of the right of that other person to the production of the document and to delivery of copies thereof; and

(b) section 64 of the Law of Property Act 1925 (production and safe custody of documents) shall have effect accordingly, and on the basis that the acknowledgment did not contain any such expression of contrary intention as is mentioned in that section.

(15) In this section—

"relevant document" means—

(a) any enactment, other than an enactment contained in this Act;

(b) any subordinate legislation made otherwise than under this Act; or

(c) any deed or other instrument;

"transfer or pension instrument" means—

(a) an order under section 408 or 411 above; or

(b) a scheme under section 409 above.