

SCHEDULES

SCHEDULE 1

Sections 37(6) and 42(8).

SALE OF TRANSPORTERS

Leave of court required

- 1 (1) The sale of a transporter requires the leave of the court.
- (2) The court is not to give its leave except on proof—
 - (a) that the penalty or charge is or was due;
 - (b) that the person liable to pay it or any connected expenses has failed to do so; and
 - (c) that the transporter which the Secretary of State seeks leave to sell is liable to sale.

Notice of proposed sale

- 2 Before applying for leave to sell a transporter, the Secretary of State must take such steps as may be prescribed—
 - (a) for bringing the proposed sale to the notice of persons whose interests may be affected by a decision of the court to grant leave; and
 - (b) for affording to any such person an opportunity of becoming a party to the proceedings if the Secretary of State applies for leave.

Duty to obtain best price

- 3 If leave for sale is given, the Secretary of State must secure that the transporter is sold for the best price that can reasonably be obtained.

Effect of failure to comply with paragraph 2 or 3

- 4 Failure to comply with any requirement of paragraph 2 or 3 in respect of any sale—
 - (a) is actionable against the Secretary of State at the suit of any person suffering loss in consequence of the sale; but
 - (b) after the sale has taken place, does not affect its validity.

Application of proceeds of sale

- 5 (1) Any proceeds of sale arising from a sale under section 37 or 42 must be applied—
 - (a) in making prescribed payments; and
 - (b) in accordance with such provision as to priority of payments as may be prescribed.
- (2) The regulations may, in particular, provide for proceeds of sale to be applied in payment—

Status: This is the original version (as it was originally enacted).

- (a) of customs or excise duty,
 - (b) of value added tax,
 - (c) of expenses incurred by the Secretary of State,
 - (d) of any penalty or charge which the court has found to be due,
 - (e) in the case of the sale of an aircraft, of charges due as a result of regulations made under section 73 of the Civil Aviation Act 1982,
 - (f) of any surplus to or among the person or persons whose interests in the transporter have been divested as a result of the sale,
- but not necessarily in that order of priority.