

Changes to legislation: There are currently no known outstanding effects for the Postal Services Act 2011, Cross Heading: Supplementary provisions of schemes. (See end of Document for details)

SCHEDULES

SCHEDULE 1

TRANSFER SCHEMES

Supplementary provisions of schemes

- 8 (1) A transfer scheme may—
- (a) contain incidental, supplementary, consequential, transitional, transitory or saving provision, and
 - (b) make different provision for different cases or circumstances.
- (2) Nothing in paragraphs 9 to 13 limits sub-paragraph (1).
- (3) In those paragraphs any reference to a transfer in accordance with a transfer scheme includes the creation in accordance with a transfer scheme of an interest, right or liability.

Commencement Information

11 Sch. 1 para. 8 in force at 1.10.2011 by S.I. 2011/2329, art. 3

- 9 (1) A transfer scheme may provide, in relation to transfers in accordance with the scheme—
- (a) for a transferee to be treated as the same person in law as the transferor,
 - (b) for agreements made, transactions effected or other things done by or in relation to the transferor to be treated, so far as may be necessary for the purposes of or in connection with the transfers, as made, effected or done by or in relation to a transferee,
 - (c) for references in any document to the transferor, or to an employee or office holder of the transferor, to have effect, so far as may be necessary for the purposes of or in connection with any of the transfers, with such modifications as are specified in the scheme, and
 - (d) for proceedings commenced by or against the transferor to be continued by or against a transferee.
- (2) In sub-paragraph (1)(c) “document” includes an agreement or instrument, but does not include an enactment.

Commencement Information

12 Sch. 1 para. 9 in force at 1.10.2011 by S.I. 2011/2329, art. 3

- 10 (1) A transfer scheme may contain provision about—
- (a) the transfer of foreign property, rights and liabilities,
 - (b) the creation of foreign rights, interests and liabilities.

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- (2) For the purposes of this paragraph property, or a right, interest or liability, is “foreign” if an issue relating to it arising in any proceedings would (in accordance with the rules of private international law) be determined under the law of a country or territory outside the United Kingdom.

Commencement Information

I3 Sch. 1 para. 10 in force at 1.10.2011 by S.I. 2011/2329, art. 3

- 11 (1) A transfer scheme may contain provision for and in connection with the payment of compensation to third parties whose property, rights, interests or liabilities have been affected by (or as a result of) a transfer scheme.
- (2) The provision may provide for the appointment of an arbitrator to determine disputes about compensation.

Commencement Information

I4 Sch. 1 para. 11 in force at 1.10.2011 by S.I. 2011/2329, art. 3

- 12 A transfer scheme may make provision for disputes as to the effect of the scheme—
- (a) between different transferees, or
 - (b) between a transferee and a transferor,
- to be referred to such arbitration as may be specified in or determined under the scheme.

Commencement Information

I5 Sch. 1 para. 12 in force at 1.10.2011 by S.I. 2011/2329, art. 3

- 13 (1) This paragraph applies if, in consequence of a transfer scheme, a person (“P”) is entitled to possession of a document relating in part to the title to, or to the management of, land or other property.
- (2) If the land or other property is in England and Wales—
- (a) the scheme may provide for P to be treated as having given another person an acknowledgement in writing of the other person's right to production of the document and to delivery of copies of it, and
 - (b) section 64 of the Law of Property Act 1925 (production and safe custody of documents) is to apply to the acknowledgement and is to apply on the basis that the acknowledgement does not contain an expression of contrary intention.
- (3) If the land or other property is in Scotland, section 16(1) of the Land Registration (Scotland) Act 1979 (omission of certain clauses in deeds) has effect in relation to the transfer as if—
- (a) the transfer had been effected by deed, and
 - (b) the words “unless specially qualified” were omitted from that subsection.
- (4) If the land or other property is in Northern Ireland—

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- (a) the scheme may provide for P to be treated as having given another person an acknowledgement in writing of the other person's right to production of the document and to delivery of copies of it, and
- (b) section 9 of the Conveyancing Act 1881 (which corresponds to section 64 of the 1925 Act) is to apply to the acknowledgement and is to apply on the basis that the acknowledgement does not contain an expression of contrary intention.

Commencement Information

I6 Sch. 1 para. 13 in force at 1.10.2011 by S.I. 2011/2329, art. 3

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