

SIXTH SCHEDULE

DISTRIBUTION OF COMMISSION'S UNDERTAKING

Distribution of property among the Boards

- 1 (1) It shall be the duty of the Boards so far as practicable to arrive at such written agreements, and to execute such other instruments, as will effect the demarcations of boundaries and divisions and apportionments of property, rights and liabilities required under the principal sections and as will—
- (a) afford to each Board as against the other Boards such rights and safeguards as they may require for the proper discharge of their functions, and
 - (b) make such clarifications and modifications of the division of the Commission's undertaking effected by the principal sections as will best serve the proper discharge of the functions of the Boards,
- and any such agreement shall provide so far as expedient—
- (i) for the granting of leases and for the creation of other liabilities and rights over land whether amounting in law to interests in land or not, and whether involving the surrender of any existing interest or the creation of a new interest or not,
 - (ii) for the granting of indemnities in connection with the severance of leases and other matters,
 - (iii) for the joint holding of assets,
 - (iv) for responsibility for registration of any matter in any description of statutory register.

An agreement made in pursuance of this sub-paragraph after the vesting date shall not be invalid on that account.

- (2) If a Board represents to the Minister that it is expedient in order to facilitate the discharge of their functions, or if it appears to the Minister that it is unlikely that any of the Boards will reach agreement on any matter on which they ought to reach agreement, the Minister may, either before the vesting date or later, but not more than five years after the vesting date, give a direction determining the manner in which any property, rights or liabilities of the Commission are to be distributed and may include in the direction any provision which might have been included in an agreement under the foregoing sub-paragraph.

A direction under this sub-paragraph shall have effect notwithstanding anything in the principal sections and any transfer of property, rights or liabilities effected by such direction shall take effect by virtue of this Act without further assurance.

- (3) Where under the principal sections a Board is entitled to possession of any documents relating in part to the title to, or to the management of, any land or other property transferred under the principal sections to another Board, the first-mentioned Board shall be deemed to have given to the second-mentioned Board an acknowledgment in writing of the right of the second-mentioned Board to production of that document and to delivery of copies thereof, and section sixty-four of the Law of Property Act, 1925, 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.
- (4) Where by the operation of the principal sections any property or rights vest in or are transferred to a Board, or would so vest or be so transferred but for the fact that

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

transfers thereof are governed otherwise than by the law of any part of Great Britain, the Commission shall take all practicable steps for the purpose of securing that the ownership of the property or, as the case may be, the right is effectively transferred to the Board.

- (5) The Railways Board shall, not later than one year after the vesting date, and after consulting the other Boards and the Holding Company, prepare and submit to the Minister schemes for sharing among the Boards and the Holding Company the control and use of the Historical Records vested in the Railways Board by paragraph (f) of subsection (2) of section thirty-one of this Act and dealing with the other assets so vested by that paragraph.

The Minister may approve a scheme so submitted to him with or without modifications, and it shall be the duty of the Boards and the Holding Company to give effect to any scheme as so approved.

Until a scheme under this paragraph comes into force for the said Records, the Railways Board shall afford to the other Boards and to the Holding Company reasonable facilities for access to and the use of the said Records.

- (6) In the application of this paragraph to Scotland there shall be omitted, in sub-paragraph (2), the words " without further assurance " and, in sub-paragraph (3), the words from "and section sixty-four " to the end of the sub-paragraph.