
STATUTORY INSTRUMENTS

1991 No. 510

The National Bus Company (Dissolution) Order 1991

Transfer of property, rights and liabilities

3.—(1) On the abolition date there shall be transferred to the Secretary of State for Transport by virtue of this Order and without further assurance all such property, rights and liabilities (whether or not of such a nature that they could be assigned by the Company) as immediately before abolition date belonged to or were incumbent upon the Company.

(2) Where immediately before abolition date there is in force an agreement which confers or imposes on the Company any rights or liabilities which are transferred to the Secretary of State by virtue of paragraph (1) above, that agreement shall have effect on and after that date as if—

- (a) the Secretary of State had been a party to the agreement; and
- (b) for any reference (in whatever terms and whether expressly or by implication) to the Company there were substituted, in relation to anything falling to be done on or after that date, a reference to the Secretary of State; and
- (c) for any reference (in whatever terms and whether expressly or by implication) to an officer or employee of the Company, not being a party to the agreement and beneficially interested in it, there were substituted, in relation to anything falling to be done on or after that date, a reference to such person as the Secretary of State may appoint.

(3) Paragraph (2) above shall, as far as applicable, apply in relation to any provision of an instrument or other document, not being an agreement to which the Company was a party, if and in so far as the provision in question relates to any of the transferred rights and liabilities, as it applies in relation to an agreement to which the company was a party.

(4) Where any right or liability is transferred to the Secretary of State by virtue of this Order, he and all other persons shall, on and after abolition date, have the same rights, powers and remedies (in particular, the same rights as to the taking or resisting of legal proceedings) for ascertaining, perfecting or enforcing that right or liability as he would have had if it had at all times been a right or liability of the Secretary of State; and any legal proceedings by or against the Company which relate to any property, right or liability transferred to the Secretary of State by virtue of this Order, and are pending immediately before the abolition date, may be continued on and after that date by or against the Secretary of State.

(5) In paragraph (4) above, any reference to legal proceedings shall be construed as including a reference to any application to an authority, and any reference to the taking or resisting of legal proceedings shall be construed accordingly.

(6) Nothing in paragraph (2) to (5) above, shall be taken as prejudicing the general effect of paragraph (1); and paragraphs (2) and (3) above shall have effect for the interpretation of agreements and other documents subject to context, and shall not apply where the context otherwise requires.