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STATUTORY INSTRUMENTS

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**1996 No. 3024 (S.228)**

**NEW TOWNS**

**The New Town (Cumbernauld) (Transfer of Property, Rights and Liabilities) (No.2) Order 1996**

<i>Made</i>	- - - -	<i>29th November 1996</i>
<i>Laid before Parliament</i>		<i>10th December 1996</i>
<i>Coming into force</i>	- -	<i>31st December 1996</i>

The Secretary of State, in exercise of the powers conferred on him by section 36D of the New Towns (Scotland) Act 1968(1) and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the New Town (Cumbernauld) (Transfer of Property, Rights and Liabilities) (No.2) Order 1996 and shall come into force on 31st December 1996.

(2) In this Order—

“the council” means the North Lanarkshire Council being a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(2);

“the development corporation” means the Cumbernauld Development Corporation established by the New Town (Cumbernauld) (Development Corporation) Order 1956(3).

(3) A reference in the Schedule to this Order to a “Plan” followed by a number is a reference to the plan of that number annexed to the Schedule to this Order.

**Transfer of property, rights and liabilities to the council**

2. Subject to the provisions of this Order, the heritable property specified in the Schedule to this Order, insofar as owned by the development corporation immediately before the day on which this Order comes into force, shall, together with the development corporation’s rights, liabilities and obligations pertaining thereto, transfer to and vest in the council on 31st December 1996.

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(1) 1968 c. 16; section 36D was inserted by the Enterprise and New Towns (Scotland) Act 1990 (c. 35), section 33 and amended by Part I of Schedule 5 to that Act.

(2) 1994 c. 39.

(3) S.I.1956/201, amended by S.I. 1959/341 and by the New Town (Cumbernauld) (Development Corporation) Amendment Order 1973. The 1973 Amendment Order is not a statutory instrument: a copy is available free of charge from the Scottish Office Development Department, Victoria Quay, Edinburgh, EH6 6QQ.

### **Incidental and supplementary provisions**

3. Anything done before 31st December 1996 by, or on behalf of, or in relation to, the development corporation for the purposes of or in connection with the property, rights and liabilities transferred by article 2 of this Order shall, on and after 31st December 1996 be treated as having been done by, or on behalf of, or in relation to, the council; and, accordingly, without prejudice to that generality, on and after 31st December 1996—

- (a) any legal proceedings by, or in relation to, the development corporation, or to which the development corporation is a party, for the purposes of, or in connection with, the said property, rights and liabilities may be continued by, or in relation to, the council; and, accordingly, references to the development corporation in any process or other document issued, prepared or employed for the purposes of any such proceedings before any court, tribunal or other body shall be taken as referring to the council;
- (b) every contract or agreement, whether written or not, to which the development corporation is a party for the purposes of, or in connection with, the said property, rights and liabilities shall have effect in relation to such property, rights and liabilities as if the council was the party thereto in place of the development corporation and as if for each reference therein to the development corporation there was substituted a reference to the council; and
- (c) every deed, bond, instrument and document relating to the said property, rights and liabilities shall have effect in relation to such property, rights and liabilities in respect of any time falling after the date of transfer, as if, where the development corporation is a party thereto, the council was substituted as that party and as if for each reference therein to the development corporation there were substituted a reference to the council.

4. For all purposes connected with, or arising subsequent to, the transfer to the council of the property, rights or liabilities transferred by article 2 of this Order, the council is to be treated in respect of the property, rights and liabilities so transferred as the same person in law as the development corporation.

5. Nothing in this Order shall have the effect of completing the title of the council to any land transferred by article 2 of this Order, but this is without prejudice to the provisions of section 36D(4) of the New Towns (Scotland) Act 1968.

Scottish Office  
29th November 1996

*George Kynoch*  
Parliamentary Under Secretary of State,

## SCHEDULE

Article 2

### SPECIFICATION OF HERITABLE PROPERTY

1. ALL and WHOLE those subjects extending to thirty six decimal or one hundredth parts of a hectare or thereby at 9/15 Napier Place, Wardpark, Cumbernauld in the Parish of Cumbernauld and County of Dumbarton being the subjects shown delineated in red on Plan Number 1, which subjects are part and portion of the subjects registered in the Land Register of Scotland under Title Number DMB57614.

2. ALL and WHOLE those subjects consisting of two separate areas of ground extending to (first) two hundred and fifty five decimal or one thousandth parts of a hectare or thereby and (second) one hundred and eighty five decimal or one thousandth parts of a hectare or thereby at Craighalbert Roundabout, Craigmarloch, Cumbernauld in the Parish of Cumbernauld and County of Dumbarton being the subjects delineated in red and blue respectively on Plan Number 2, which subjects are part and portion of the subjects registered in the Land Register of Scotland under Title Number DMB57565.

This is the Schedule referred to in the New Town (Cumbernauld) (Transfer of Property, Rights and Liabilities) (No.2) Order 1996.

Scottish Office

*George Kynoch*  
Parliamentary Under Secretary of State,

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### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes provision for the transfer of certain property, rights and liabilities of the Cumbernauld Development Corporation to the North Lanarkshire Council on 31st December 1996, in connection with the winding up of the Corporation.

The property, rights and liabilities which are the subject of the Order comprise the heritable property described in the Schedule and the Corporation's rights and liabilities thereto.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

