
STATUTORY INSTRUMENTS

1996 No. 464

The New Town (Cumbernauld) (Transfer of Property, Rights and Liabilities) Order 1996

Citation, commencement and interpretation

1.—(1) This Order may be cited as the New Town (Cumbernauld) (Transfer of Property, Rights and Liabilities) Order 1996 and shall come into force on 31st March 1996.

(2) In this Order—

“the council” means Cumbernauld and Kilsyth District Council being a council constituted in accordance with Part I of the Local Government (Scotland) Act 1973(1);

“the development corporation” means the Cumbernauld Development Corporation established by the New Town (Cumbernauld) (Development Corporation) Order 1956(2);

“recorded GRS (Dumbarton)” means recorded in the Division of the General Register of Sasines for the County of Dumbarton.

(3) A reference in Part 1 of 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—

(a) 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; and

(b) the development corporation’s interest immediately before the day on which this Order comes into force in the standard securities, minutes of agreement and other contracts and agreements specified in the Schedule to this Order,

shall, together with the development corporation’s rights, liabilities and obligations pertaining thereto, transfer to and vest in the council on 31st March 1996.

Incidental and supplementary provisions

3. Anything done before 31st March 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 March 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 March 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

(1) 1973 c. 65.

(2) 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.

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.

St Andrew's House,
Edinburgh
28th February 1996

George Kynoch
Parliamentary Under Secretary of State, Scottish
Office