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**Changes to legislation:** Children's Hearings (Scotland) Act 2011, Cross Heading: Transfer of property etc. to CHS is up to date with all changes known to be in force on or before 25 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULE 4 TRANSFER OF STAFF AND PROPERTY TO CHS

### *Transfer of property etc. to CHS*

- 5 (1) The Scottish Ministers may make a transfer scheme.
- (2) A transfer scheme is a scheme making provision for or in connection with the transfer to CHS of property, rights, liabilities and obligations of any of the following—
- (a) SCRA,
  - (b) a local authority,
  - (c) the Scottish Ministers.
- (3) A transfer scheme must specify a date (the “transfer date”) on which the transfer is to take effect.
- (4) A transfer scheme may—
- (a) specify different dates in relation to different property, rights, liabilities and obligations,
  - (b) make different provision in relation to different cases or classes of case.
- (5) On the transfer date—
- (a) any property or rights to which a transfer scheme applies transfer to and vest in CHS,
  - (b) any liabilities or obligations to which such a scheme applies become liabilities or obligations of CHS.
- (6) A transfer scheme may make provision for the creation of rights, or the imposition of liabilities, in relation to the property, rights, liabilities or obligations transferred by virtue of the scheme.
- (7) A certificate issued by the Scottish Ministers that any property, right, liability or obligation has, or has not, been transferred by virtue of a transfer scheme is conclusive evidence of the transfer or the fact that there has not been a transfer.
- (8) A transfer scheme may in particular make provision about the continuation of legal proceedings.
- (9) A transfer scheme may make provision for CHS to make any payment which—
- (a) before a day specified in the scheme could have been made by a person specified in sub-paragraph (2)(a) or (b), but
  - (b) is not a liability which can become a liability of CHS by virtue of a transfer scheme.
- (10) A transfer scheme may make provision for the payment by CHS of compensation in respect of property and rights transferred by virtue of the scheme.
- (11) Before making a transfer scheme, the Scottish Ministers must consult—
- (a) CHS,
  - (b) the person mentioned in sub-paragraph (2)(a) or (b) whose property, rights, liabilities and obligations (or any of them) are to be transferred by virtue of the scheme, and
  - (c) any other person with an interest in the property, rights, liabilities or obligations which are to be so transferred.

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#### Commencement Information

**II**    [Sch. 4 para. 5](#) in force at 24.6.2013 by [S.S.I. 2013/195](#), **arts. 2, 3**

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 17A inserted by [2020 asp 16 s. 6\(2\)](#)
- s. 25(3) inserted by [2020 asp 16 s. 30\(7\)](#)
- s. 27(3)-(4A) substituted for s. 27(3)(4) by [2020 asp 16 s. 3\(2\)](#)
- s. 62(5)(q)-(u) inserted by [2020 asp 9 s. 8\(2\)\(b\)](#)
- s. 163(2)-(2B) substituted for s. 163(2) by [2020 asp 16 s. 27\(3\)\(b\)](#)
- s. 164(2)-(2B) substituted for s. 164(2) by [2020 asp 16 s. 27\(4\)\(b\)](#)
- s. 165(2)-(2B) substituted for s. 165(2) by [2020 asp 16 s. 27\(5\)\(b\)](#)