

SCHEDULES

SCHEDULE 10

Section 41.

ADDITIONAL PROVISIONS AS TO TRANSFER TO COMMISSION OF PROPERTY OF DEVELOPMENT CORPORATION

- 1 (1) Subject to the following provisions of this Schedule, where an order under this Act provides that on a specified date the property of a development corporation (so far as not excepted by the order) shall vest in the Commission, then on that date (referred to below as the transfer date) there shall by virtue of the order and without further assurance be transferred to the Commission all property, rights, liabilities and obligations which immediately before the transfer date were property, rights, liabilities or obligations of the corporation.
- (2) Subject as aforesaid, every agreement to which the development corporation was a party immediately before the transfer date, whether in writing or not and whether or not of such a nature that rights, liabilities and obligations thereunder could be assigned by the corporation, shall, unless its terms or subject matter make it impossible that it should have effect as modified in the manner provided by this sub-paragraph, have effect as from the transfer date as if—
- (a) the Commission had been a party to the agreement;
 - (b) for any reference (however worded and whether express or implied) to the corporation there were substituted, as respects anything falling to be done on or after the transfer date, a reference to the Commission ;
 - (c) for any reference (however worded and whether express or implied) to any member or officer of the corporation there were substituted, as respects anything falling to be done on or after the transfer date, a reference to such person as the Commission may appoint, or, in default of appointment, to the member or officer of the Commission who corresponds as nearly as may be to the member or officer in question of the corporation.
- (3) Other documents, not being enactments, which refer, whether specifically or generally, to the corporation shall be construed in accordance with sub-paragraph (2) above so far as applicable.
- (4) Without prejudice to the generality of the foregoing sub-paragraphs, where, by the operation of any of them, any right, liability or obligation vests in the Commission, the Commission and all other persons shall, as from the transfer date, have the same rights, powers and remedies (and, in particular, the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for asserting, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the Commission.
- (5) Any legal proceedings or application to any authority pending on the transfer date by or against the development corporation (and not relating to property, rights, liabilities or obligations excepted by the order from the transfer to the Commission) may be continued on and after that date by or against the Commission.

- 2 (1) Any such order as aforesaid may, if the Secretary of State sees fit, except from the transfer to the Commission—
- (a) any books, papers, or documents of the corporation,
 - (b) any property (including in particular any trade or business) which the corporation have agreed to transfer to some person other than the Commission, together with the corporation's rights, liabilities and obligations under that agreement, and any other rights, liabilities or obligations which it is necessary for the corporation to retain in order to give effect to that agreement,
 - (c) such other property as the Secretary of State thinks expedient for the purpose of enabling the corporation to discharge any functions remaining to it,
- and may provide for the disposal of any property so excepted and of any property received by the corporation after the transfer date under any such agreement or otherwise.
- (2) Any expenses of the corporation on or after the transfer date, so far as not defrayed out of any such property as is mentioned in sub-paragraph (1) above, shall be defrayed by the Commission.
- 3 (1) Subject to the following provisions of this Schedule, on the transfer date this Act and any other enactment relating to areas designated under section 1 above as the site of a new town shall cease to apply to the town as an area so designated, except for the purpose of any functions remaining to the development corporation by virtue of paragraph 2 above ; and nothing in paragraph 1 above shall be construed as conferring on the Commission any rights, liabilities or obligations of a development corporation under any enactment.
- (2) Sub-paragraph (1) above shall not affect the operation of paragraph 1 above or of any other enactment in relation to things done by or to a development corporation before the transfer date or in relation to matters arising out of things so done; but no order shall be made under any enactment on or after the transfer date by virtue of this sub-paragraph.
- (3) Without prejudice to the generality of sub-paragraph (2) above—
- (a) any permission for development in the new town granted by an order made, or having effect as if made, under section 24 of the Town and Country Planning Act 1971 and in force on the transfer date shall continue in force as if references in the order to the development corporation included the Commission;
 - (b) where an undertaking for the supply of water or a sewerage or sewage disposal undertaking carried on by the development corporation is transferred to the Commission, the Commission shall have power to carry on the undertaking, and any enactment applying in relation to the carrying on or disposal of the undertaking by the corporation or to the corporation in virtue of the undertaking shall have effect also in relation to the carrying on or disposal of it by the Commission and to the Commission in virtue of it;
 - (c) where the development corporation were making contributions under section 4(4)(a) above to expenditure of a local authority or statutory undertakers, or had obtained the Secretary of State's consent to making such contributions, the Commission shall have power to make or continue to make those contributions, whether or not the development corporation had undertaken any obligation to do so;

- (d) where the development corporation had entered into authorised arrangements within the meaning of Part I of the Housing (Financial Provisions) Act 1958, then for the purpose of those arrangements the Commission shall be deemed to be a housing association within the meaning of the Housing Act 1957, and any enactment applying in relation to the development corporation as a housing association or in virtue of the arrangements shall apply in like manner to the Commission.
- (4) Section 11 above and, so far as they have effect for the purposes of that section 11, the other provisions of this Act shall, notwithstanding anything in sub-paragraph (1) above, continue to have effect in relation to the town for such period (if any) as may be specified in the order under section 41 above relating to the town; and that order may provide that any other enactment applying in relation to the town immediately before the transfer date shall continue to apply, subject or not to any modifications specified in the order.
- (5) Where an enactment ceases to apply in relation to the town by virtue of this Schedule, section 16(1) of the Interpretation Act 1978 (which relates to the effect of repeals), shall have effect as it has effect on the repeal of one Act by another.
- 4 (1) In respect of expenditure of a development corporation on matters other than the provision of housing accommodation, the Secretary of State may with the Treasury's approval make to the Commission payments not exceeding those which, in his opinion, he would have made to the corporation under section 58(2) above.
- (2) There shall be paid out of moneys provided by Parliament any expenses of the Secretary of State under sub-paragraph (1) above.
- 5 (1) The Secretary of State's power to make advances to the Commission under section 58(5) above shall extend to the making of advances for the purpose of enabling the (Commission to meet liabilities transferred to them from a development corporation, being liabilities properly chargeable to capital account by the corporation, or to make good to revenue account sums applied by a development corporation in meeting liabilities so chargeable.
- (2) Where the liabilities of a development corporation for the repayment of advances under section 58(1) above, or for the payment of interest on such advances, are transferred to the Commission—
- (a) sections 61(2) and (3), 66(1) in its application to the Commission, and 69(1) (a) above shall apply to those advances as if those advances had been made to the Commission under section 58(5); and
- (b) section 69(1)(b) shall cease to apply in relation to them.
- 6 In this Schedule "enactment" means any Act of Parliament and any order, rules, regulations or similar instrument having effect by virtue of an Act of Parliament, and includes enactments passed or made on or after the date of the passing of this Act, except in so far as any such enactment provides to the contrary.