

SCHEDULE 2

Paragraph 5

Designated Rights and Designated Liabilities

Interpretation

1. In this Schedule—

“historic Scottish assets” means any property, rights or interests (excluding any limited partnership rights) in land in Scotland—

- (a) which once formed part of the Crown Estate, but
- (b) which immediately before the transfer date are not Scottish assets; and

“limited partnership rights” means—

- (a) any property, rights or interests held by a limited partnership registered under the Limited Partnerships Act 1907(1), and
- (b) any property, rights or interests in, or in a member of, a partner in such a limited partnership.

2. In this Schedule, a reference to a right or a liability—

(a) is a reference to a right or liability—

- (i) which has arisen or otherwise exists immediately before the transfer date, or
- (ii) which arises or otherwise comes into existence on or after the transfer date, but in respect of—
 - (aa) any act or omission of or in relation to the Commissioners, or
 - (bb) any act or omission in relation to the Scottish functions or the Scottish assets, before that date; but

(b) does not include a reference to a right or a liability for which separate provision is made by Schedule 3 (protection of employment).

Designated rights

3. Any rights of the Commissioners which apply solely to, or are capable of exercise solely in connection with—

- (a) the existing Scottish functions, or
- (b) any of the Scottish assets.

4. Any rights of the Commissioners in relation to moveable property—

- (a) which is customarily situated on or within the boundaries of any land forming part of the Scottish assets, and
- (b) which is used in connection with any of those assets,

whether or not that property is so situated immediately before the transfer date.

5. Any rights in intellectual property which have—

- (a) arisen,
- (b) been acquired, or
- (c) been customarily used,

(1) 1907 (c.24).

solely in connection with any of the Scottish assets.

6. Any rights of the Commissioners in connection with historic Scottish assets.

Designated liabilities

7. Any liabilities of the Commissioners in connection with—
 - (a) the exercise of the existing Scottish functions,
 - (b) any of the Scottish assets;
 - (c) the designated rights, or
 - (d) any acts ancillary or preparatory to the making of this Scheme.
8. Any liabilities of the Commissioners in connection with historic Scottish assets.