

SCHEDULES

SCHEDULE 9

SCHEME PROVIDING FOR DIVISION OF ASSETS OF IBA

Content of transfer scheme

- 3 (1) A transfer scheme may—
- (a) define the property, rights and liabilities to be allocated to a particular relevant transferee—
 - (i) by specifying or describing the property, rights and liabilities in question,
 - (ii) by referring to all the property, rights and liabilities comprised in a specified part of the IBA's undertaking, or
 - (iii) partly in the one way and partly in the other;
 - (b) provide that any rights or liabilities specified or described in the scheme shall be enforceable either by or against either or any, or by or against both or all, of two or more relevant transferees;
 - (c) impose on any relevant transferee an obligation to enter into such written agreements with, or execute such instruments in favour of, such other relevant transferee as may be specified in the scheme;
 - (d) create for any of the relevant transferees an interest in or right over property transferred in accordance with the scheme to any other of those transferees;
 - (e) in connection with any provision made by virtue of paragraph (d), make incidental provision as to the interests, rights and liabilities of other persons with respect to the property in question.
- (2) Without prejudice to the generality of sub-paragraph (1)(a), a transfer scheme may, in connection with any transfer to be made in accordance with the scheme, exclude from the transfer any rights and liabilities falling within paragraph 2(11) above and described in the scheme.
- (3) A transfer scheme may also allocate to any of the relevant transferees such property, rights and liabilities to which the IBA may become entitled or subject after the making of the scheme and before the transfer date as may be described in the scheme.
- (4) The property, rights and liabilities of the IBA that are capable of being transferred in accordance with a transfer scheme include—
- (a) property, rights and liabilities that would not otherwise be capable of being transferred or assigned by the IBA;
 - (b) property situated anywhere in the United Kingdom or elsewhere; and
 - (c) rights and liabilities under the law of any part of the United Kingdom or of any country or territory outside the United Kingdom.

Changes to legislation: There are currently no known outstanding effects for the Broadcasting Act 1990, Paragraph 3. (See end of Document for details)

- (5) It is hereby declared for the avoidance of doubt that the rights and liabilities capable of being so transferred include rights and liabilities of the IBA under any agreement or arrangement for the payment of pensions, allowances or gratuities.
- (6) An obligation imposed by a provision included in a transfer scheme by virtue of sub-paragraph (1)(c) shall be enforceable by civil proceedings brought by the other relevant transferee in question for an injunction or interdict or for any other appropriate relief.

Changes to legislation:

There are currently no known outstanding effects for the Broadcasting Act 1990, Paragraph 3.