

## SCHEDULES

### SCHEDULE 9

#### SCHEME PROVIDING FOR DIVISION OF ASSETS OF IBA

##### *Third parties affected by transfer scheme*

- 5 (1) This paragraph applies where—
- (a) in consequence of any transfer made in accordance with a transfer scheme, any right or liability of a person (other than the IBA or any relevant transferee) which was enforceable against or by the IBA becomes enforceable against or by one or more relevant transferees; and
  - (b) apart from this Schedule that person's consent or concurrence would have been required for that right or liability to become so enforceable;
- and in this paragraph references to a third party are references to any such person.
- (2) Subject to sub-paragraph (3), the IBA shall take reasonable steps to identify any third party and to notify him of the effect of the transfer in question on any right or liability of his falling within sub-paragraph (1), and of the effect of sub-paragraph (4).
- (3) A transfer scheme may provide that the duties imposed on the IBA by sub-paragraph (2) in relation to a transfer shall be imposed instead on such one of the relevant transferees as may be specified in the scheme.
- (4) Where—
- (a) any right or liability of a third party has become enforceable against or by more than one relevant transferee, and
  - (b) the value of any property or interest of the third party is diminished thereby,
- such compensation as is just shall be paid to the third party by one or more of the relevant transferees.
- (5) Any dispute as to whether, and if so how much, compensation is payable under sub-paragraph (4), or as to the person to or by whom it shall be paid, shall be referred to and determined by—
- (a) an arbitrator appointed by the Lord Chancellor; or
  - (b) where the proceedings are to be held in Scotland, an arbiter appointed by the Lord President of the Court of Session.

**Changes to legislation:**

There are currently no known outstanding effects for the Broadcasting Act 1990, Paragraph 5.