



Severn Bridges Act 1992

1992 CHAPTER 3

PART II

OPERATION OF SEVERN BRIDGES

Management of bridges etc.

20 Termination: supplementary

- (1) Property vested in the Secretary of State under section 19 above shall vest free from any security to which it was subject immediately before the termination.
- (2) Where before the termination possession of such property has been taken by a person in pursuance of legal process or distress, the Secretary of State may recover that property from any person in possession of it without being required, as a condition of doing so, to meet a liability in respect of which that process or distress was issued or levied.
- (3) Subsection (1) above shall not affect a liability secured by a security from which such property is released by virtue of that subsection; and subsection (2) above shall not affect a liability in respect of which the process or distress was issued or levied.
- (4) Where a liability which, if it had subsisted immediately before the termination, would have fallen to be transferred to the Secretary of State under or by virtue of section 19 above has been discharged before termination, nothing in the Insolvency Act 1986 shall—
 - (a) affect the validity of anything done by the concessionaire or by any other person in discharging that liability,
 - (b) authorise a court to make an order affecting the property of, or imposing an obligation on, any person in consequence of or in connection with the receipt by that person or by any other person of a payment made, property transferred or other benefit provided by the concessionaire or by any other person in discharging that liability, or
 - (c) be treated as giving rise to a trust affecting money or property so transferred.

Status: This is the original version (as it was originally enacted).

- (5) Subject to subsection (1) above, property vested in the Secretary of State under section 19 above shall be held by him subject to all covenants, conditions and restrictions subject to which the property was held by the concessionaire.
- (6) A dispute between the Secretary of State and the concessionaire as to the property, rights or liabilities transferred under or by virtue of section 19 above shall be determined in accordance with the concession agreement.
- (7) A dispute between the Secretary of State and any person other than the concessionaire as to any such matter shall be determined by arbitration; and the arbitration shall be conducted by a single arbitrator agreed between the parties or, in default of agreement, appointed on the application of either party (after notice in writing to the other) by the President of the Law Society.
- (8) Subject to the concession agreement and to subsection (1) above, all agreements and other transactions entered into or effected by the concessionaire and subsisting immediately before the termination, in so far as they relate to property, rights or liabilities transferred to the Secretary of State under or by virtue of section 19 above, shall have effect with the substitution of the Secretary of State for the concessionaire.
- (9) Accordingly—
 - (a) such an agreement or transaction may be enforced by or against the Secretary of State, and
 - (b) references to the concessionaire in an agreement (whether or not in writing) and in a deed, bond, instrument or other document, so far as relating to property, rights or liabilities so transferred, shall be taken after the termination as referring to the Secretary of State.
- (10) Subject to the concession agreement, all legal and other proceedings begun before the termination and relating to property, rights or liabilities transferred to the Secretary of State under or by virtue of section 19 above, other than proceedings for enforcing a security from which such property is released by virtue of subsection (1) above, may be carried on with the substitution of the Secretary of State for the concessionaire; and such proceedings may be amended in such manner as may be necessary for that purpose.
- (11) In this section “security” means a mortgage, charge, lien or other security.