



# Regional Development Agencies Act 1998

## 1998 CHAPTER 45

### PART II

#### EXISTING BODIES

##### *The Development Commission*

#### **34 Transfer of property, rights and liabilities to agencies**

- (1) The Secretary of State may by directions require the Development Commission to make one or more schemes for the transfer to regional development agencies of such of the Commission's property, rights and liabilities as appear to him appropriate to be transferred in consequence of the carrying out by regional development agencies of an activity of the Commission.
- (2) Schedule 8 shall have effect in relation to schemes under subsection (1).

#### **35 Powers in relation to the Commission**

- (1) The Secretary of State may by order made by statutory instrument—
  - (a) make provision conferring on the Commission functions with respect to the provision of services of any description to regional development agencies,
  - (b) make provision for the transfer of any function of the Commission to another public body,
  - (c) make provision conferring on another public body a function corresponding to any extent to a function of the Commission,
  - (d) make provision terminating the exercise by the Commission of any of its functions,
  - (e) make provision extinguishing any liability of the Commission in respect of money lent or advanced to it at any time by the Secretary of State,
  - (f) make provision for winding up the Commission's affairs, and
  - (g) make provision for the dissolution of the Commission.

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*Status: This is the original version (as it was originally enacted).*

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- (2) No provision may be made under subsection (1)(e) without the consent of the Treasury.
- (3) An order under this section may contain such supplementary, incidental, consequential or transitional provisions as the Secretary of State thinks fit.
- (4) The provision which may be made under subsection (3) includes—
  - (a) provision changing the name of a public body which acquires functions by virtue of provision made under subsection (1)(b) or (c), and
  - (b) provision for the transfer to another public body of any of the Commission’s property, rights and liabilities (including rights and liabilities under the contracts of employment of its staff).
- (5) The provision which may be made by an order under this section for the transfer of property, rights or liabilities of the Commission includes provision—
  - (a) requiring the Commission to make one or more schemes for the transfer of such of the Commission’s property, rights and liabilities as appear to the Secretary of State appropriate to be transferred in consequence of the order, and
  - (b) applying Schedule 8 in relation to a scheme under the order, with such modifications as the Secretary of State thinks fit.
- (6) The provision which may be made by an order under this section includes provision amending, repealing or otherwise modifying any enactment.
- (7) No order under this section shall be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.
- (8) Any sums arising out of the transfer of property, or out of property transferred, to a Minister of the Crown by an order under this section shall be paid into the Consolidated Fund.
- (9) If an order under this section makes provision under subsection (1)(e), the assets of the National Loans Fund shall be reduced by the aggregate amount by which the liabilities of the Commission are thereby reduced.
- (10) In this section—
  - “the Commission” means the Development Commission;
  - “enactment” includes any instrument made under any enactment.