Changes to legislation: *Local Government Act 2003, Cross Heading: Contents of transfer scheme is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

SCHEDULE 5

TRANSFER SCHEMES: FURTHER PROVISION

Contents of transfer scheme

1 (1) The property, rights and liabilities which may be transferred by a transfer scheme under section 106 ("transfer scheme") include property, rights and liabilities that would not otherwise be capable of being transferred or assigned.

(2) The transfers authorised by sub-paragraph (1) include transfers which are to take effect as if there were no such contravention, liability or interference with any interest or right as there would otherwise be by reason of any provision having effect (whether under any enactment or agreement or otherwise) in relation to the terms on which the transferor is entitled to the property or right, or subject to the liability, in question.

Commencement Information

I1 Sch. 5 para. 1 in force at 18.11.2003 by S.I. 2003/2938, **art. 2(a)** (with art. 8, Sch.)

2 A transfer scheme may define the property, rights and liabilities to be transferred by specifying or describing them or by referring to all of the property, rights and liabilities comprised in a specified part of the undertaking of the transferor (or partly in one way and partly in the other).

Commencement Information

I2 Sch. 5 para. 2 in force at 18.11.2003 by S.I. 2003/2938, **art. 2(a)** (with art. 8, Sch.)

3 A transfer scheme may contain provision—

(a) for the creation, in relation to property which the scheme transfers, of an interest in or right over the property in favour of the transferor,

(b) for the creation in favour of the Service of an interest in or right over property retained by the transferor,

(c) for the creation of any rights or liabilities as between the transferor and the Service,

(d) for any rights or liabilities specified or described in the scheme to be, or to be to any extent, enforceable by or against the transferor or the Service, or

(e) for imposing on the transferor and the Service an obligation to enter into written agreements with, or execute other instruments in favour of, each other.

Changes to legislation: *Local Government Act 2003, Cross Heading: Contents of transfer scheme is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I3 Sch. 5 para. 3 in force at 18.11.2003 by S.I. 2003/2938, **art. 2(a)** (with art. 8, Sch.)

4 A transfer scheme may include such supplemental, incidental, consequential and transitional provision as the Secretary of State considers appropriate.

Commencement Information

I4 Sch. 5 para. 4 in force at 18.11.2003 by S.I. 2003/2938, **art. 2(a)** (with art. 8, Sch.)

Changes to legislation:
Local Government Act 2003, Cross Heading: Contents of transfer scheme is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18(2A) inserted by 2007 c. 28 Sch. 14 para. 5(2)(b)
- s. 24(1) s. 24 renumbered as s. 24(1) by 2007 c. 28 Sch. 14 para. 5(3)
- s. 24(2) inserted by 2007 c. 28 Sch. 14 para. 5(3)