
STATUTORY INSTRUMENTS

1973 No. 1861

The Local Authorities (England) (Property etc.) Order 1973

Liabilities, contracts etc., notices and proceedings in respect of transferred property, etc

18.—(1) This article applies to the following matters, namely—

- (a) any property described in (a), (b) or (e) of article 9(1); and
- (b) any property transferred by this order.

(2) Subject to paragraph (6), all liabilities attaching to any authority in respect of any property to which this article applies shall by virtue of this order be transferred to and attach to the authority to whom such property is transferred.

(3) All contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given (or have effect as if they had been given) by, or to, the authority first mentioned in paragraph (2) in respect of any property to which this article applies, or in respect of liabilities transferred by paragraph (2), shall be of full force and effect in favour of, or against, the authority to whom such property and liabilities are transferred.

(4) Any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1974, by, or against, the authority first mentioned in paragraph (2) in respect of any property to which this article applies, or in respect of liabilities transferred by paragraph (2), shall not be prejudicially affected by reason of the Act or the Water Act 1973, and may be continued, prosecuted and enforced by, or against, the authority to whom such property and liabilities are transferred.

(5) Any power to appoint any person to any body belonging to the authority first mentioned in paragraph (2) in respect of any property (other than that described in (a) and (b) of article 9(1)) to which this article applies or any matter provided for in paragraphs (2) and (3) shall be transferred to the authority to whom such property or matter is transferred.

(6) Paragraph (2) shall not apply to the rights and liabilities described in entry (a) in item No. 19 in the table in Schedule 2, but paragraphs (3) to (5) shall apply in respect of such rights and liabilities.