

SCHEDULE 2

THE DEVELOPMENT COMMISSION: TRANSFER SCHEMES

Contents of scheme

4.—(1) The property, rights and liabilities which may be transferred by a 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.

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

6. A transfer scheme may also 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 Development Commission;
- (b) for the creation in favour of the Countryside Agency of an interest in or right over property retained by the Development Commission;
- (c) for the creation in favour of another public body of an interest in or right over property which the scheme transfers to the Countryside Agency;
- (d) for the creation of any rights or liabilities as between the Countryside Agency and a regional development agency, or as between the Countryside Agency and the Development Commission;
- (e) for any rights or liabilities specified or described in the scheme to be, or to be to any extent, enforceable by or against the Countryside Agency, a regional development agency or the Development Commission;
- (f) for imposing on the Countryside Agency and a regional development agency, or on the Countryside Agency and the Development Commission, an obligation to enter into written agreements with, or execute other instruments in favour of, each other.

7. A transfer scheme may make such supplemental, incidental and consequential provision as the Development Commission considers appropriate.