

SCHEDULE 3 TRANSFERS OF STAFF AND PROPERTY

PART 2

TRANSFER OF PROPERTY, RIGHTS AND LIABILITIES TO THE AUTHORITY

Interpretation

- 5 In this Part, “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39).

Transfer of property, rights and liabilities

- 6 (1) The Scottish Ministers may make a transfer scheme.
- (2) A transfer scheme is a scheme making provision for or in connection with the transfer to the Authority of property, rights and liabilities of any of the following—
- (a) a police authority;
 - (b) a joint police board;
 - (c) a local authority;
 - (d) the Scottish Ministers;
 - (e) any other person.
- (3) A transfer scheme may make provision by virtue of sub-paragraph (2) only in so far as the property, rights or liabilities relate to the functions of the Agency (as specified in section 2(2)) or the police support services.
- (4) A transfer scheme must specify a date (the “transfer date”) on which the transfer is to take effect; and different dates may be specified in relation to different property, rights or liabilities.
- (5) On the transfer date—
- (a) any property or rights to which a transfer scheme applies transfer to and vest in the Authority; and
 - (b) any liabilities to which such a scheme applies become liabilities of the Authority.
- (6) A transfer scheme may make provision for the creation of rights, or the imposition of liabilities, in relation to the property, rights or liabilities transferred by virtue of the scheme.
- (7) A certificate issued by the Scottish Ministers that any property, right or liability has, or has not, been transferred by virtue of a transfer scheme is conclusive evidence of the transfer or the fact that there has not been a transfer.
- (8) A transfer scheme may in particular make provision about the continuation of legal proceedings.
- (9) A transfer scheme may make provision for the Authority to make any payment which—
- (a) before a day specified in the scheme could have been made by any of the persons specified in paragraphs (a) to (e) of sub-paragraph (2); but

Status: This is the original version (as it was originally enacted).

- (b) is not a liability which can become a liability of the Authority by virtue of a transfer scheme.
- (10) A transfer scheme may make provision for the payment by the Authority of compensation in respect of property and rights transferred by virtue of the scheme.
- (11) Before making a transfer scheme, the Scottish Ministers must consult—
- (a) the Authority;
 - (b) any police authority, joint police board, local authority or other person whose property, rights and liabilities (or any of them) are to be transferred by virtue of the scheme.