

## SCHEDULES

### SCHEDULE 15

#### POLICE REFORM: TRANSITIONAL PROVISION

##### PART 4

##### OTHER TRANSITIONAL PROVISION

###### *Politically restricted posts*

- 20 (1) This paragraph applies to a person if by virtue of a transfer scheme, the person—
- (a) ceases to be a member of the staff of an existing police authority, and
  - (b) becomes a member of the staff of a new policing body.
- (2) Section 1 of the Local Government and Housing Act 1989 (politically restricted posts) does not apply to the person for as long as the person—
- (a) continues to be a member of the staff of the new policing body, and
  - (b) carries out duties which are the same, or substantially the same, as the duties the person carried out as a member of the staff of the existing police authority.

###### *Continuity*

- 21 (1) The abolition of an existing police authority, the transfer or abolition of its functions, and the transfer of its property, rights and liabilities, do not affect the validity of anything done before the abolition or transfer.
- (2) The replacement of an existing chief officer, the transfer or abolition of the functions of an existing chief officer, and the transfer of the rights and liabilities of an existing chief officer, do not affect anything done before the replacement, transfer or abolition.
- (3) The transfer of the property, rights and liabilities of a new policing body does not affect anything done before the transfer.
- (4) Sub-paragraphs (5) to (7) apply where any functions, property, rights or liabilities are transferred by or under this Act from a person (the “transferor”) to another person (the “transferee”).
- (5) There may be continued by or in relation to the transferee anything (including legal proceedings) which—
- (a) relates to any of the functions, property, rights or liabilities transferred, and
  - (b) is in the process of being done by or in relation to the transferor immediately before the transfer takes effect.
- (6) Anything which—

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- (a) was made or done by or in relation to the transferor for the purposes of, or otherwise in connection with, any of the functions, property, rights or liabilities transferred, and
  - (b) is in effect immediately before the transfer takes effect,
- has effect as if made or done by or in relation to the transferee.
- (7) The transferee is to be substituted for the transferor in any instruments, contracts or legal proceedings which—
- (a) relate to any of the functions, property, rights or liabilities transferred, and
  - (b) are made or commenced before the transfer takes effect.
- (8) The Secretary of State may, by direction, determine any question under this section as to—
- (a) whether any particular functions, property, rights or liabilities are transferred by or under this Act, or
  - (b) the person to which any particular functions, property, rights or liabilities are transferred by or under this Act.
- (9) The preceding provisions of this paragraph—
- (a) are without prejudice to Part 2 of this Schedule and any power to make a transfer scheme, and
  - (b) are subject to the provisions of Part 2 of this Schedule and any transfer scheme.
- (10) In this paragraph a reference to the transfer of a function includes a reference to the abolition of the function and the conferral of a corresponding function on another person.

*Foreign property etc: perfection of vesting*

- 22 (1) Subsections (2) to (8) of section 414 of the Greater London Authority Act 1999 (foreign property, rights and liabilities: perfection of vesting) apply in any case where a transfer by or under this Act provides for the transfer of foreign property, rights or liabilities.
- (2) In the application of those provisions by virtue of sub-paragraph (1)—
- (a) references to a transfer or pension instrument have effect as references to the transfer by or under this Act; and
  - (b) references to the transferor and the transferee are to be construed accordingly.

*Transfers: supplementary provision*

- 23 (1) All property, rights and liabilities to which a statutory transfer applies are to be transferred by that transfer, notwithstanding that they may be or include—
- (a) property, rights and liabilities that would not otherwise be capable of being transferred, or
  - (b) rights and liabilities under enactments.
- (2) The property, rights and liabilities which may be transferred by a transfer scheme include—

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- (a) property, rights and liabilities that would not otherwise be capable of being transferred, or
  - (b) rights and liabilities under enactments.
- (3) No right of reverter, right of pre-emption, right of forfeiture, right of re-entry, right to compensation, option or similar right affecting any land or other property shall operate or become exercisable as a result of any transfer of land or other property by virtue of a statutory transfer or a transfer scheme (whether or not any consent required to the transfer has been obtained).
- (4) No right to terminate or vary a contract or instrument shall operate or become exercisable, and no provision of a contract or relevant document, shall operate or become exercisable or be contravened, by reason of any transfer by virtue of a statutory transfer or a transfer scheme.
- (5) Sub-paragraphs (2) to (4) above have effect in relation to—
  - (a) the grant or creation of an estate or interest in, or right over, any land or other property, or
  - (b) the doing of any other thing in relation to land or other property,as they have effect in relation to a transfer of land or other property.
- (6) A transfer scheme may make provision for the apportionment or division of any property, rights or liabilities.
- (7) Where a transfer scheme makes provision for the apportionment or division between two or more persons of any rights or liabilities under a contract, the contract shall have effect, as from the coming into force of the provision, as if it constituted two or more separate contracts separately enforceable by and against each of those persons respectively as respects the part of the rights or liabilities which falls to that person as a result of the apportionment or division.
- (8) The provision that may be made by a transfer scheme includes provision for—
  - (a) any transfer of land or other property by virtue of the instrument,
  - (b) the grant or creation of any estate or interest in, or right over, any land or other property by virtue of the instrument, or
  - (c) the doing of any other thing in relation to land or other property by virtue of the instrument,to be on such terms, including financial terms, as the person making the scheme thinks fit.
- (9) The Secretary of State may by order confer on any body or person to whom property, rights or liabilities are transferred by a statutory transfer or transfer scheme any statutory functions which were previously exercisable in relation to that property, or those rights or liabilities, by the transferor.
- (10) It shall be the duty—
  - (a) of existing police authorities, new policing bodies, existing chief officers, new chief officers and local authorities, and
  - (b) of the trustees or managers, or administrators, of any pension scheme,to provide the Secretary of State with such information or assistance as the Secretary of State may reasonably require for the purposes of, or in connection with, the exercise of any powers exercisable by the Secretary of State in relation to a statutory transfer or a transfer scheme.

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- (11) Where any person is entitled, in consequence of any transfer made by virtue of a statutory transfer or transfer scheme, to possession of a document relating in part to the title to, or to the management of, any land or other property in England and Wales—
- (a) the instrument may contain provision for treating that person as having given another person an acknowledgment in writing of the right of that other person to the production of the document and to delivery of copies thereof; and
  - (b) section 64 of the Law of Property Act 1925 (production and safe custody of documents) shall have effect accordingly, and on the basis that the acknowledgment did not contain any such expression of contrary intention as is mentioned in that section.
- (12) In this paragraph—
- “relevant document” means—
    - (a) any enactment, other than an enactment contained in this Act;
    - (b) any subordinate legislation made otherwise than under this Act; or
    - (c) any deed or other instrument;
  - “statutory transfer” means a transfer under Part 1 or 2 of this Schedule;
  - “transfer scheme” means a transfer scheme under Part 3.

*Power to make transitional provision etc*

- 24 (1) The Secretary of State may, by order, make such transitional and transitory provision, and savings, as the Secretary of State considers appropriate in connection with Part 1 of this Act (including provision that supplements or varies the provision made by this Schedule).
- (2) An order under this paragraph may, in particular—
- (a) amend, or otherwise modify, any enactment;
  - (b) make any provision that may be made by a transfer scheme under Part 3 of this Schedule (whether the provision in the order relates to that Part or Part 2 of this Schedule);
  - (c) provide for the new policing body for a police area to make any payment which—
    - (i) before a day specified in the order could have been made out of the police fund of the existing police authority for that area, but
    - (ii) is not a liability which is transferred to the new policing body by virtue of Part 2 of this Schedule;
  - (d) provide for a new chief officer or a local authority to which property, rights or liabilities of a new policing body are, or are to be, transferred by virtue of a transfer scheme under Part 3 of this Schedule to make any payment which—
    - (i) before a day specified in the order could have been made out of the police fund of that new policing body, but
    - (ii) is not a liability which could be transferred by virtue of such a transfer scheme;
  - (e) make provision in relation to the accounts and audit of—
    - (i) existing police authorities, and
    - (ii) new policing bodies.
- (3) Provision of the kind referred to in sub-paragraph (2)(e) may, in particular—

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- (a) amend, or otherwise modify, any enactment relating to the accounts and audit of public bodies in its application to—
  - (i) an existing police authority and the financial year in which that authority is abolished, or
  - (ii) a new policing body and the financial year in which that body is established;
- (b) provide for the Secretary of State to give directions as to action to be taken in relation to the accounts and audit of—
  - (i) an existing police authority in relation to the financial year in which that authority is abolished, or
  - (ii) a new policing body in relation to the financial year in which that body is established;
- (c) provide for a person who, in acting in accordance with such a direction, fails to comply with a code of practice or other document relating to proper accounting practice to be taken not to have so failed to comply.