

SCHEDULES

SCHEDULE 11

WATER AND SEWERAGE TRANSFER SCHEMES

Construction of agreements, statutory provisions and documents

- 7 (1) This paragraph applies where, in the case of any transfer to which this Schedule applies, any rights or liabilities transferred are rights or liabilities under an agreement, whether in writing or not, to which the transferor was a party immediately before the transfer date and whether or not the agreement was of such a nature that rights and liabilities under it could be assigned by the transferor.
- (2) So far as relating to property, rights or liabilities transferred to the transferee, the agreement shall have effect on and after the transfer date as if—
- (a) the transferee had been the party to it;
 - (b) for any reference (whether express or implied and, if express, however worded) to the transferor there were substituted, as respects anything falling to be done on or after the transfer date, a reference to the transferee;
 - (c) any reference (whether express or implied and, if express, however worded) to a person employed by, or engaged in the functions of, the transferor and holding a specified office or serving in a specified capacity were, as respects anything falling to be done on or after the transfer date, a reference to such a person as the transferee may appoint or, in default of appointment, to a person employed by, or engaged in the functions of, the transferee who corresponds as nearly as may be to the first-mentioned person;
 - (d) any reference in general terms (however worded) to persons employed by, persons engaged in the functions of, or agents of, the transferor were, as respects anything to be done on or after the transfer date, a reference to persons employed by, persons engaged in the functions of, or agents of, the transferee.
- 8 (1) Except as otherwise provided in any provision of this Part of this Act (whether expressly or by necessary implication), paragraph 7 above shall, so far as applicable, apply in relation to—
- (a) any statutory provision,
 - (b) any provision of an agreement to which the transferor was not a party, and
 - (c) any provision of a document other than an agreement,
- if and in so far as the provision in question relates to any of the transferred property, rights and liabilities, as it applies in relation to an agreement to which the transferor was a party.
- (2) In relation to any such statutory or other provision as is mentioned in sub-paragraph (1) above, references in sub-paragraph (2)(b), (c) and (d) of paragraph 7 above to the transferor and to any persons employed by, persons engaged in the functions of, or agents of, the transferor include references made by means of a

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general reference to a class of persons of which the transferor is one, though not specifically referred to.

- 9 (1) The transferee under a transfer to which this Schedule applies and any other person shall, as from the transfer date, have the same rights, powers and remedies (and in particular the same rights and powers as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing any right or liability vested in the transferee by virtue of the scheme as they would have had if that right or liability had at all times been a right or liability of the transferee.
- (2) Any legal proceedings, or applications to any authority, pending on the transfer date by or against the transferor, in so far as they relate—
- (a) to any property, right or liability vested in the transferee by virtue of the scheme, or
 - (b) to any agreement or enactment relating to any such property, right or liability,
- shall be continued by or against the transferee to the exclusion of the transferor or the transferor's successor.
- (3) This paragraph is without prejudice to the generality of the provisions of paragraphs 7 and 8 above.
- 10 The provisions of paragraphs 7 to 9 above shall have effect for the interpretation of agreements, statutory provisions and other instruments subject to the context, and shall not apply where the context otherwise requires.