

SCHEDULES

SCHEDULE 15

Section 211.

FINANCIAL ASSISTANCE: TRANSFERS TO SRA

Transfer schemes

- 1 (1) The Secretary of State may make one or more schemes for the transfer to the Authority of such of the property, rights and liabilities of the Secretary of State (including any rights and liabilities relating to persons employed in the civil service of the state) as the Secretary of State considers appropriate in consequence of sections 137 and 139 of the Railways Act 1993 being superseded by section 211 of this Act.
- (2) In this Schedule “transfer scheme” means a scheme under this paragraph.

Contents of transfer scheme

- 2 (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.
- 3 A transfer scheme may define the property, rights and liabilities to be transferred to the Authority by specifying them or describing them or by referring to all (or all except anything specified or described) of the property, rights and liabilities comprised in a specified part of the undertaking of the Secretary of State (or partly in one way and partly in the other).
- 4 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 Secretary of State,
 - (b) for the creation in favour of the Authority of an interest in or right over, property retained by the Secretary of State,
 - (c) for the creation of rights and liabilities as between the Authority and the Secretary of State, or
 - (d) for any rights or liabilities specified or described in the scheme to be, or to be to any extent, enforceable by or against the Authority.
- 5 A transfer scheme may make such supplementary, incidental and consequential provision as the Secretary of State considers appropriate.

Status: This is the original version (as it was originally enacted).

Effect of transfer scheme

- 6 On the date appointed by a transfer scheme, the property, rights and liabilities which are the subject of the scheme shall, by virtue of this paragraph, be transferred in accordance with the provisions of the scheme.
- 7 Nothing in this Schedule affects the validity of anything done by or in relation to the Secretary of State in connection with anything transferred by a transfer scheme.
- 8 There may be continued by or in relation to the Authority anything (including legal proceedings) relating to anything transferred by a transfer scheme which is in the process of being done by or in relation to the Secretary of State immediately before it is transferred.
- 9 Anything done by the Secretary of State for the purpose of or in connection with anything transferred by a transfer scheme which is in effect immediately before it is transferred shall be treated as if done by the Authority.
- 10 The Authority shall be substituted for the Secretary of State in documents and legal proceedings relating to anything transferred by a transfer scheme.

Transfer of employees

- 11 (1) This paragraph applies where a person employed in the civil service of the state becomes an employee of the Authority under a transfer scheme.
- (2) For the purposes of the Employment Rights Act 1996—
- (a) his period of employment in the civil service of the state counts as a period of employment with the Authority, and
 - (b) the change of employment does not break the continuity of the period of employment.

Modification of transfer scheme

- 12 (1) If at any time after a transfer scheme has come into force the Secretary of State considers it appropriate to do so, he may by order provide that the scheme shall for all purposes be deemed to have come into force with such modifications, other than modifications relating to the transfer of rights and liabilities under a contract of employment, as may be specified in the order.
- (2) An order under sub-paragraph (1) may make, with effect from the coming into force of the scheme, such provision as could have been made by the scheme, and in connection with giving effect to that provision from that time may contain such supplemental, consequential and transitional provision as the Secretary of State considers appropriate.
- (3) An order under sub-paragraph (1) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Consultation

- 13 Before making a transfer scheme, or an order modifying such a scheme, the Secretary of State shall consult the Authority.