

# CROSSRAIL ACT 2008

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## EXPLANATORY NOTES

### COMMENTARY ON SCHEDULES

#### *Schedule 12 – Transfer schemes*

246. *Parts 1, 2 and 3* set out the powers of the Secretary of State to make schemes for the transfer of property, rights and liabilities (“transfer schemes”) from himself or certain other bodies to any person, including the Secretary of State.

#### **Part 1 – Transfers from Cross London Rail Links Limited and its subsidiaries**

247. *Paragraph 1* allows for transfers from Cross London Rail Links Limited (“CLRL”) or any of its subsidiaries. The Secretary of State is required to consult CLRL before making any such scheme.

#### **Part 2 – Transfers from the Greater London Authority, Transport for London, the London Development Agency and their subsidiaries**

248. *Paragraph 2* allows for transfers from the Greater London Authority, the London Development Agency or Transport for London or any of their subsidiaries. The Secretary of State may exercise this power only for the purposes connected with Crossrail and only with the consent of the transferor.

#### **Part 3 – Transfers from the Secretary of State and companies owned by Secretary of State**

249. *Paragraph 3* allows for transfers from the Secretary of State, or a company wholly owned by him, as defined, to anyone else. The transfer must be for purposes connected with Crossrail. By virtue of *paragraph 4*, transfer schemes can also be used to enable the simple grant of new land interests to happen by way of a transfer scheme where this occurs independently of any broader transfer.

#### **Part 4 – General provisions about transfer schemes**

250. *Paragraph 5* specifies certain types of property, rights and liabilities that may be included in a transfer scheme.
251. *Paragraph 6* provides that where property is transferred by transfer scheme new interests, or rights may be created in relation to that property in favour of the person from whom it has been transferred. Conversely, new interests and rights may be created in favour of the person to whom property has been transferred in relation to property that has been retained or transferred to another party. Transfer schemes may also create rights and liabilities between parties affected by a transfer scheme.
252. *Paragraph 7* provides that what is transferred by, or retained following, a transfer scheme may be named specifically or simply described.

*These notes refer to the Crossrail Act 2008 (c.18)  
which received Royal Assent on 22 July 2008*

253. *Paragraph 8* allows for a transfer scheme to make provision for contraventions of any terms applicable to the things transferred to be treated as not occurring. This will allow for the transfer of property, rights or liabilities that would otherwise not be transferable.
254. *Paragraph 9* provides for the transfer of shares in a subsidiary of the transferor not to be subject to any terms in relation to the transfer of those shares.
255. *Paragraphs 10 and 11* provide that a transfer scheme may modify the interests, rights and liabilities of third parties in relation to the things to be transferred.
256. *Paragraph 12* provides that a transfer scheme may impose obligations on the person to whom or from whom things are transferred to enter into agreements with and to execute instruments in favour of any other person specified in the scheme.
257. *Paragraph 13* provides for transfer schemes to contain supplementary provisions.
258. *Paragraph 14* provides for a transfer scheme to have effect at the time or times set out in the scheme.
259. *Paragraph 15* allows for a transfer scheme to be modified if the parties to it, or certain other parties, agree. Modifications can have effect from the date of the scheme, or later.
260. *Paragraph 16* provides for continuity of employment for employees who transfer as a part of any transfer scheme.
261. *Paragraphs 17 and 18* allow the Secretary of State to issue a direction requiring information to be provided by the relevant parties to enable him to make a transfer scheme, require that a direction must set out the a timescale for responding of no more than 28 days and describe what happens if the parties to whom a direction is given do not respond.
262. *Paragraph 19* would enable the Secretary of State to agree, in advance of making a transfer scheme, whether and in what circumstances she would make a transfer scheme under Schedule 12.