

SCHEDULES

SCHEDULE 15

POLICE REFORM: TRANSITIONAL PROVISION

PART 4

OTHER TRANSITIONAL PROVISION

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—
- (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

Status: This is the original version (as it was originally enacted).

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.
- (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.