

## SCHEDULES

### SCHEDULE 11

#### TRANSFERS TO THE OFFICE FOR NUCLEAR REGULATION

#### PART 3

##### PROPERTY TRANSFER SCHEMES

##### *Power to make property transfer schemes*

- 7 (1) The Secretary of State may make one or more schemes transferring qualifying property, rights and liabilities of the HSE to the ONR.
- (2) The Secretary of State may make one or more schemes transferring qualifying property, rights and liabilities of the Secretary of State to the ONR.
- (3) A scheme under sub-paragraph (1) or (2) is referred to in this Schedule as a “property transfer scheme”.
- 8 The HSE may submit to the Secretary of State proposals about the exercise of the power to make property transfer schemes.

##### *Qualifying property*

- 9 (1) References in this Part to “qualifying property, rights and liabilities” are to property held, and rights and liabilities arising, in connection with—
- (a) functions under any enactment which were functions of the Secretary of State or the HSE and as a result of this Act have or are to become functions of the ONR;
- (b) functions which were functions of the Secretary of State or the HSE which have been or are to be replaced by a function of the ONR under this Act;
- (c) functions which were carried out by the HSE under an agreement under section 13 of the 1974 Act and which are to be carried out by the ONR under an agreement under section 90.
- (2) Rights and liabilities arising under or in connection with a contract of employment in effect when the scheme comes into force are excluded from the rights and liabilities which may be transferred under a property transfer scheme.

##### *Content of a property transfer scheme*

- 10 (1) A property transfer scheme may, in particular, make provision—
- (a) for anything done by or in relation to the HSE or the Secretary of State in connection with any property, rights or liabilities transferred by the scheme to be treated as done, or to be continued, by or in relation to the ONR;

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*Status: This is the original version (as it was originally enacted).*

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- (b) for references to the HSE or the Secretary of State in any agreement (whether written or not), instrument or other document relating to any property, rights or liabilities transferred by the scheme to be treated as references to the ONR;
  - (c) about the continuation of legal proceedings;
  - (d) for transferring property, rights or liabilities which could not otherwise be transferred or assigned;
  - (e) for transferring property, rights and liabilities irrespective of any requirement for consent which would otherwise apply;
  - (f) for preventing a right of pre-emption, right of reverter, right of forfeiture, right to compensation or other similar right from arising or becoming exercisable as a result of the transfer of property, rights or liabilities;
  - (g) for dispensing with any formality in relation to the transfer of property, rights or liabilities by the scheme
  - (h) for transferring property acquired, or rights or liabilities arising, after the scheme is made but before it takes effect;
  - (i) for apportioning property, rights or liabilities;
  - (j) for creating rights, or imposing liabilities, in connection with property, rights or liabilities transferred by the scheme;
  - (k) for requiring the ONR to enter into any agreement of any kind, or for a purpose, specified in or determined in accordance with the scheme.
- (2) Sub-paragraph (1)(b) does not apply to references in primary legislation or in subordinate legislation.
- (3) In this Part of this Schedule “property” includes interests of any description.

### *Compensation*

- 11 A property transfer scheme may contain provision for the payment of compensation by the Secretary of State to any person whose interests are adversely affected by it.