

## SCHEDULE 1

### Transfer schemes

#### Supplementary provision

**8.—**(1) A transfer scheme may include incidental, supplementary, consequential, transitional or transitory provision.

(2) Nothing elsewhere in this Schedule limits sub-paragraph (1).

(3) A transfer scheme may provide, in relation to transfers in accordance with the scheme—

- (a) for an acquiring licensee to be treated as the same person in law as the relevant undertaker,
- (b) for agreements made, transactions effected or other things done by or in relation to the relevant undertaker to be treated as made, effected or done by or in relation to an acquiring licensee,
- (c) for references in any document to the relevant undertaker, or to an employee or office holder of it, to have effect with such modifications as are specified in the scheme, and
- (d) for proceedings commenced by or against the relevant undertaker to be continued by or against an acquiring licensee.

(4) In sub-paragraph (3)—

- (a) “document” includes an agreement or instrument but does not include an enactment;
- (b) a reference to a transfer in accordance with a transfer scheme includes the creation in accordance with a transfer scheme of an interest, right or liability.

(5) A transfer scheme may make provision for disputes as to the effect of the scheme between the relevant undertaker and an acquiring licensee or between acquiring licensees to be referred to such arbitration as may be specified in or determined under the scheme.

(6) If, in consequence of a transfer scheme, a person is entitled to possession of a document relating in part to the title to, or to the management of, land or other property in England and Wales—

- (a) the scheme may provide for the person to be treated as having given another person an acknowledgement in writing of the other person’s right to production of the document and to delivery of copies of it; and
- (b) section 64 of the Law of Property Act 1925 (production and safe custody of documents)(1) is to apply to the acknowledgement on the basis that the acknowledgement does not contain an expression of contrary intention.

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(1) 1925 c. 20.