

SCHEDULES

SCHEDULE 2

Section 8

TRANSFER SCHEMES

Introduction

- 1 In this Schedule—
- “the Authority” means the Olympic Delivery Authority,
 - “transfer scheme” means a scheme under section 8, and
 - “specified person” means a person specified in section 8(3).

Obligation to assist Secretary of State

- 2 The Authority and the specified persons shall on request give the Secretary of State information or assistance in connection with a direction to prepare a transfer scheme which the Secretary of State has given or may give.

Content of transfer scheme

- 3 (1) A transfer scheme may, in particular, make provision in connection with land.
- (2) In particular, a transfer scheme may—
- (a) require the grant of an estate, interest or right;
 - (b) require the creation of an estate, interest or right for the purpose of being transferred;
 - (c) provide for transfer on financial or other terms;
 - (d) impose liabilities on the Authority;
 - (e) impose liabilities on the transferor.
- 4 A transfer scheme—
- (a) may transfer property, rights or liabilities whether or not they would otherwise be capable of being transferred,
 - (b) may transfer rights and liabilities under an enactment, and
 - (c) may dispense with a requirement for consent (whether arising for an enactment, an instrument or an agreement).
- 5 In specifying property, rights or liabilities to be transferred a transfer scheme—
- (a) may use any manner of description (which may include reference to criteria specified in the scheme or to be determined in accordance with the scheme),
 - (b) may provide for exceptions, and
 - (c) may provide for the division of property, rights and liabilities in a manner specified in the scheme or to be determined in accordance with the scheme.
- 6 A transfer scheme may make provision—

Status: This is the original version (as it was originally enacted).

- (a) for the resolution of disputes as to the effect of the scheme to be referred to arbitration, and
 - (b) for a certificate given by an arbitrator as to the effect of the transfer scheme to be conclusive.
- 7 A transfer scheme may make consequential, incidental or transitional provision and may, in particular—
 - (a) provide for anything done by or in relation to a specified person to have effect as if done by or in relation to the Authority,
 - (b) permit anything (which may include legal proceedings) which is in the process of being done by or in relation to a specified person when a provision of a transfer scheme takes effect, to have effect as if done by or in relation to the Authority, and
 - (c) may provide for a reference to a specified person in an agreement (whether written or not), instrument or other document to be treated as a reference to the Authority.

Exclusions

- 8 (1) Transfer of property, rights or liabilities under a transfer scheme shall be disregarded for the purposes of a provision of a contract or other instrument which refers to transfer or disposal (whether so as to confer a right to terminate or vary or otherwise).
- (2) Nothing in a transfer scheme shall give rise, in relation to land or an interest or estate in land or other property, to any of the following—
 - (a) a right of reverter,
 - (b) a right of pre-emption,
 - (c) a right of forfeiture,
 - (d) a right to compensation, or
 - (e) an option or similar right.
- 9 Nothing in a transfer scheme relating to rights in connection with a contract of employment shall affect the operation of the Transfer of Undertakings (Protection of Employment) Regulations 1981 (S.I. 1981/1794).

Modification of scheme

- 10 (1) This paragraph applies where—
 - (a) a specified person has made a transfer scheme, but
 - (b) a transfer under the scheme has not yet taken effect.
- (2) The Secretary of State may—
 - (a) require the specified person to modify the transfer scheme, in so far as it relates to the transfer, in such manner as the Secretary of State may specify,
 - (b) specify the date by which the modified scheme is to be prepared and submitted to the Secretary of State, and
 - (c) specify a date on which the modified scheme is to take effect if approved by the Secretary of State.
- (3) The Secretary of State may not require a specified person to modify a scheme unless—

- (a) he has consulted any person whom he thinks may be affected by the modification, and
- (b) the Mayor of London consents.