
STATUTORY INSTRUMENTS

1973 No. 417

**The London Authorities (Transfer
of Housing Estates etc.) Order 1973**

PART II

PROVISIONS RELATING TO TRANSFERRED PROPERTY GENERALLY

Transfer of property

4.—(1) On the relevant date any property described in any Part of the deposited Schedules and all liabilities (other than those liabilities described in article 20(3) of and Part III of Schedules 1 and 2 to this order) attaching to the Greater London Council in respect of any such property shall by virtue of this order be transferred to and vest in or attach to the authority named in the description of such Part, and—

- (a) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given (or having effect as if they had been given) by, or to, the Greater London Council in respect of such property and liabilities shall be of full force and effect in favour of, or against, the authority named as aforesaid; and
- (b) any action or proceeding or any cause of action or proceeding, pending or existing at the relevant date, by, or against, the Greater London Council in respect of such property and liabilities shall not be prejudicially affected by reason of this order, and may be continued, prosecuted and enforced by, or against, the authority named as aforesaid.

(2) One duplicate of each of the deposited Schedules is deposited in the offices of the Secretary of State and the other in the offices of the Greater London Council. Copies of the deposited Schedules have been deposited with the transferee authorities and shall be open to inspection at all reasonable times.

5. Any property or liability transferred by article 4 to the authority for any area shall be held or discharged by them in respect of the area.

6. Any byelaws in force for the regulation of any property transferred by article 4 shall have effect as if they had been made by the authority to whom such property is transferred.

7. Any legal proceedings pending at the relevant date may be amended in such manner as may be necessary or proper in consequence of this order.

8. Where under this order or any adjustment made in consequence hereof any liability or part of a liability charged indifferently on all the revenues of a public body or on any particular revenues or fund of such body is transferred to another public body, the liability or part of the liability shall be charged indifferently on all the revenues of the public body to whom it is transferred and shall cease to be a charge on any revenues or fund of the public body from whom it is transferred.

In this article “public body” and “revenues” have the same meanings as in the Local Government Act 1933.

Covenants affecting property

9. Unless the Greater London Council and the transferee authority otherwise agree, section 62 of the Law of Property Act 1925 (which implies certain words in conveyances of land, subject to the terms of the conveyance and the provisions therein contained) shall have effect—

- (a) in respect of any property transferred by article 4; and
- (b) in respect of any property, being property vested in the Greater London Council, which is affected by the said transfer,

as if the property described in (a) and (b) respectively had been the subject of a conveyance on the relevant date.

10.—(1) This article applies to any land within the extent of an area of housing accommodation transferred by article 4, being land in respect of which the Greater London Council have powers under section 151 of the Housing Act 1957 to enforce covenants entered into on the sale or exchange of land.

(2) In respect of any land to which this article applies—

- (a) the Greater London Council shall consult with the transferee authority before exercising their powers under the said section 151;
- (b) the transferee authority may require the Greater London Council to exercise the said powers in any case where such exercise is requisite in the interests of the area of housing accommodation within the extent of which the land is situated.

(3) The Greater London Council shall notify the transferee authority of any land to which this article applies and provide sufficient particulars of the covenants to which the said section 151 relates.

11. Any covenant (not being a covenant affected by article 9) which would be enforceable by the Greater London Council immediately before the relevant date in respect of land within the extent of an area of housing accommodation transferred by article 4, being land which was sold or exchanged by the Greater London Council or by the London Country Council and, immediately before such sale or exchange, was held by them for the purposes of the Housing Act 1957 or of any Act re-enacted by that Act, shall be of full force and effect in favour of the transferee authority.

Rent books

12. Until a new rent book is issued by a transferee authority in respect of any housing accommodation transferred by article 4, notification to the tenant of the said accommodation of that transfer shall be deemed to be a compliance by the said authority as landlord with the requirements of section 2(1)(a) of the Landlord and Tenant Act 1962.

Arbitration

13. Subject to any provision of this order, any dispute arising under this order or in consequence thereof shall be determined by an arbitrator appointed by agreement between the parties in dispute or, in default of agreement, by the Secretary of State and, subject as aforesaid, the provisions of the Arbitration Act 1950 shall apply to any arbitration under this article.