
*Changes to legislation: There are currently no known outstanding effects
for the Railways Act 1993, Paragraph 14. (See end of Document for details)*

SCHEDULES

SCHEDULE 8

TRANSFERS BY TRANSFER SCHEME

Third parties affected by vesting provisions

- 14 (1) Without prejudice to the provisions of paragraphs 8 to 13 above, any transaction effected between the transferor and the transferee in pursuance of paragraph 2(1) above or of a direction under paragraph 2(3) above shall be binding on all other persons, and notwithstanding that it would, apart from this sub-paragraph, have required the consent or concurrence of any other person.
- (2) It shall be the duty of the transferor and the transferee, if they effect any transaction in pursuance of paragraph 2(1) above or a direction under paragraph 2(3) above, to notify any person who has rights or liabilities which thereby become enforceable as to part by or against the transferor and as to part by or against the transferee; and if, within 28 days of being notified, such a person applies to the Secretary of State and satisfies him that the transaction operated unfairly against him, the Secretary of State may give such directions to the transferor and the transferee as appear to him appropriate for varying the transaction.
- (3) If in consequence of a transfer to which this Schedule applies or of anything done in pursuance of the provisions of this Schedule—
- (a) the rights or liabilities of any person other than the transferor and the transferee which are enforceable against or by the transferor become enforceable as to part against or by the transferor and as to part against or by the transferee, and
 - (b) the value of any property or interest of that person is thereby diminished,
- such compensation as may be just shall be paid to that person by the transferor, the transferee or both.
- (4) If it appears to the transferor that a person is or may be entitled to compensation under sub-paragraph (3) above, he shall—
- (a) notify that person that he is or may be so entitled, and
 - (b) invite him to make such representations as he wishes to the transferor not later than fourteen days after the date of issue of the document containing the notification required by paragraph (a) above,
- or, if the transferor is not aware of the name and address of the person concerned, shall publish, in such manner as he considers appropriate, a notice containing information about the interest affected and inviting any person who thinks that he is or may be entitled to compensation to make such representations to the transferor within such period (being not less than 28 days from the date of publication of the notice) as may be specified in the notice.

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- (5) Any dispute as to whether any, and (if so) how much, compensation is payable under sub-paragraph (3) above, or as to the person to or by whom it shall be paid, shall be referred to and determined by—
- (a) an arbitrator appointed by the President for the time being of the Royal Institution of Chartered Surveyors, or
 - (b) where the proceedings are to be held in Scotland, an arbiter appointed by the Lord President of the Court of Session, or
 - (c) where the proceedings are to be held in Northern Ireland, an arbitrator appointed by the [^{F1}Chairman for the time being of the Royal Institution of Chartered Surveyors in Northern Ireland] .
- (6) Where, in the case of a transfer to which this Schedule applies, the transferor or the transferee purports by any conveyance or transfer to transfer to some person other than the transferor or the transferee for consideration any land or any other property transferred—
- (a) which before the transfer date belonged to the transferor, or
 - (b) which is an interest in property which before that date belonged to the transferor,
- the conveyance or transfer shall be as effective as if both the transferor and the transferee had been parties to it and had thereby conveyed or transferred all their interests in the property conveyed or transferred.
- (7) Sub-paragraph (6) above applies in relation to the grant of any lease of, or any other estate or interest in, or right over any such land or other property as is there mentioned as it applies in relation to a transfer of any such land or other property; and references in that sub-paragraph to a conveyance or transfer shall be construed accordingly.
- (8) If, in the case of any transfer to which this Schedule applies, it appears to the court at any stage in any court proceedings to which the transferor or the transferee and a person other than the transferor or the transferee are parties that the issues in the proceedings—
- (a) depend on the identification or definition of any of the property, rights or liabilities transferred which the transferor and the transferee have not yet effected, or
 - (b) raise a question of construction on the relevant provisions of this Act which would not arise if the transferor and the transferee constituted a single person,
- the court may, if it thinks fit on the application of a party to the proceedings other than the transferor and the transferee, hear and determine the proceedings on the footing that such one of the transferor and the transferee as is a party to the proceedings represents and is answerable for the other of them, and that the transferor and the transferee constitute a single person, and any judgment or order given by the court shall bind both the transferor and the transferee accordingly.
- (9) In the case of any transfer to which this Schedule applies, it shall be the duty of the transferor and the transferee to keep one another informed of any case where either of them may be prejudiced by sub-paragraph (6), (7) or (8) above, and if either the transferor or the transferee claims that he has been so prejudiced and that the other of them ought to indemnify or make a repayment to him on that account and has unreasonably failed to meet that claim, he may refer the matter to the Secretary of State for determination by him.

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Textual Amendments

F1 Words in Sch. 7 para. 14(5)(c) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 4 para. 384\(2\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(cc)

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