

SCHEDULES

SCHEDULE 5

TRANSITIONAL PROVISIONS AND SAVINGS

PART I

PUBLIC GAS SUPPLIERS' AUTHORISATIONS

Duty of public gas supplier to nominate associates and make transfer scheme

- 2 (1) Before such date as the Secretary of State may direct, the public gas supplier shall—
- (a) make such nomination as he thinks fit for the purposes of sub-paragraph (2) of paragraph 1 above; and
 - (b) make a scheme for the division of all his property, rights and liabilities between the persons mentioned in that sub-paragraph.
- (2) Such a scheme may—
- (a) define the property, rights and liabilities to be allocated to the nominated associate—
 - (i) by specifying or describing the property, rights and liabilities in question;
 - (ii) by referring to all (or all but as much as may be excepted) of the property, rights and liabilities comprised in a specified part of the public gas supplier's undertaking; or
 - (iii) partly in the one way and partly in the other;
 - (b) provide that any rights or liabilities specified or described in the scheme shall be enforceable either by or against either, or by or against both, of the persons mentioned in paragraph 1(2) above;
 - (c) impose on either of those persons an obligation to enter into such written agreements with, or execute such other instruments in favour of, the other of those persons as may be specified in the scheme; and
 - (d) make such supplemental, incidental and consequential provision as the supplier considers appropriate.
- (3) Without prejudice to the generality of sub-paragraph (2)(d) above, such a scheme may, in relation to transfers or transactions effected in pursuance of the scheme, make provision, either generally or for specified purposes—
- (a) for the transfers or transactions to be regarded as taking place in a specified order; and
 - (b) for the nominated associate to be treated as the same person in law as the public gas supplier.

Status: This is the original version (as it was originally enacted).

- (4) An obligation imposed by a provision included in such a scheme by virtue of sub-paragraph (2)(c) above shall be enforceable by civil proceedings by the other person for an injunction or for interdict or for any other appropriate relief or remedy.
- (5) A transaction of any description which is effected in pursuance of such a provision as is mentioned in sub-paragraph (4) above—
 - (a) shall have effect subject to the provisions of any enactment which provides for transactions of that description to be registered in any statutory register; but
 - (b) subject to that, shall be binding on all other persons, notwithstanding that it would, apart from this sub-paragraph, have required the consent or concurrence of any other person.
- (6) Where a lease of any land is granted in pursuance of such a provision as is mentioned in sub-paragraph (4) above, any right of pre-emption or other like right affecting that land—
 - (a) shall not become exercisable by reason of the grant of the lease; but
 - (b) shall have effect as if the lessee were the same person in law as the lessor.