



# Transport Act 2000

## 2000 CHAPTER 38

### PART I

#### AIR TRAFFIC

### CHAPTER II

#### TRANSFER SCHEMES

##### *Introduction*

#### **41 Meaning of transfer scheme.**

- (1) For the purposes of this Chapter a transfer scheme is a scheme which contains provisions falling within one or more of subsections (2) to (8).
- (2) Provisions falling within this subsection are ones for the transfer of any of the CAA's property, rights or liabilities or of all or part of its undertaking to any of the following—
  - (a) the Secretary of State;
  - (b) a company which is wholly owned by the Crown;
  - (c) a company which is wholly owned by the CAA;
  - (d) a company which is a wholly owned subsidiary of a company falling within paragraph (b) or (c).
- (3) Provisions falling within this subsection are ones for the transfer of any of the property, rights or liabilities of a company (the transferor) which is wholly owned by the CAA or of all or part of the transferor's undertaking to any of the following—
  - (a) the Secretary of State;
  - (b) the CAA;
  - (c) a company which is wholly owned by the Crown;
  - (d) a company which is wholly owned by the CAA;

*Status: Point in time view as at 28/02/2022.*

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- (e) a company which is a wholly owned subsidiary of a company falling within paragraph (c) or (d).
- (4) Provisions falling within this subsection are ones for the transfer of any of the property, rights or liabilities of a company (the transferor) which is a wholly owned subsidiary of a company wholly owned by the CAA, or of all or part of the transferor's undertaking, to any of the following—
- (a) the CAA;
  - (b) a company which is wholly owned by the Crown;
  - (c) a company which is wholly owned by the CAA;
  - (d) a company which is a wholly owned subsidiary of a company falling within paragraph (b) or (c).
- (5) Provisions falling within this subsection are ones for the transfer of any of the property, rights or liabilities of a company (the transferor) which is wholly owned by the Crown but which was wholly owned by the CAA on the coming into force of this section, or of all or part of the transferor's undertaking, to any of the following—
- (a) a company which is wholly owned by the Crown;
  - (b) a company which is a wholly owned subsidiary of the transferor.
- (6) Provisions falling within this subsection are ones for the transfer of any of the property, rights or liabilities of a company (the transferor) which is wholly owned by the Crown, or of all or part of the transferor's undertaking, to the CAA.
- (7) Provisions falling within this subsection are ones for the transfer of any of the property, rights or liabilities of a company (the transferor) in circumstances where the transferor is a wholly owned subsidiary of a company (the holding company) wholly owned by the Crown and the holding company was wholly owned by the CAA on the coming into force of this section, or of all or part of the transferor's undertaking, to any of the following—
- (a) a company which is wholly owned by the Crown;
  - (b) a company which is a wholly owned subsidiary of a company falling within paragraph (a).
- (8) Provisions falling within this subsection are ones for the transfer of any of the property, rights or liabilities of a company (the transferor) which is a wholly owned subsidiary of a company wholly owned by the Crown, or of all or part of the transferor's undertaking, to the CAA.
- (9) To the extent that a scheme provides for the transfer of all or part of an undertaking, references in the following provisions of this Chapter to property, rights and liabilities are to the undertaking or part (including property, rights and liabilities falling within it).

#### **Commencement Information**

- II** S. 41 wholly in force at 1.2.2001, see s. 275(1)(2) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

## **42 Transfer schemes: supplementary.**

- (1) The things which may be transferred by a transfer scheme include—

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- (a) anything which the transferor would not otherwise be capable of transferring or assigning;
  - (b) anything to which the transferor may become entitled or subject after the scheme is made and before it comes into force;
  - (c) anything situated anywhere in the United Kingdom or elsewhere;
  - (d) anything subsisting under an enactment;
  - (e) anything subsisting under the law of any part of the United Kingdom or of any country or territory outside the United Kingdom.
- (2) A scheme may divide any property, rights or liabilities of a transferor and in connection with the division may—
- (a) create for a transferor or transferee an interest in any property to which the scheme relates;
  - (b) create new rights and liabilities as between a transferor and a transferee with respect to any property to which the scheme relates;
  - (c) in connection with any provision made by virtue of paragraph (a) or (b), make incidental provision as to the interests, rights and liabilities of other persons with respect to any property to which the scheme relates.
- (3) A scheme may impose obligations on a transferor and transferee to take any necessary steps to secure that the following have effect—
- (a) any interest, right or liability created by virtue of subsection (2)(a) or (b);
  - (b) any incidental provision made by virtue of subsection (2)(c).
- (4) A scheme may—
- (a) impose on a transferor or transferee an obligation to enter into a specified written agreement with a specified person or persons (who may be or include a transferor or transferee);
  - (b) impose on a transferor or transferee an obligation to execute a specified instrument in favour of a specified person or persons (who may be or include a transferor or transferee);
  - (c) make provision (for instance, where part of particular property is transferred) that rights and liabilities specified or identified in the scheme are enforceable by or against a transferor or transferee (or both).
- (5) A scheme may make such supplementary, incidental, consequential or transitional provisions as the scheme's maker thinks are appropriate.

#### **Commencement Information**

- I2** S. 42 wholly in force at 1.2.2001, see s. 275(1)(2) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

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