



# Transport Act 2000

## 2000 CHAPTER 38

### PART I

#### AIR TRAFFIC

### CHAPTER II

#### TRANSFER SCHEMES

#### *Miscellaneous*

#### **60 Enforcement of certain obligations.**

- (1) An obligation imposed by a provision included in a scheme by virtue of section 42(4)
  - (a) is enforceable by civil proceedings by a person with whom the agreement is to be made or by any transferor or transferee.
- (2) An obligation imposed by a provision included in a scheme by virtue of section 42(4)
  - (b) is enforceable by civil proceedings by a person in whose favour the instrument is to be executed or by any transferor or transferee.
- (3) The proceedings may be for an injunction or for interdict or for any other appropriate relief or remedy.
- (4) A transaction effected in pursuance of an obligation mentioned in subsection (1) or (2)—
  - (a) is to have effect subject to the provisions of any enactment providing for transactions of the kind concerned to be registered in a statutory register, but
  - (b) subject to that, is to be binding on all other persons, even if it would otherwise require the consent or concurrence of any other person.

*Status: Point in time view as at 14/09/2016.*

*Changes to legislation: Transport Act 2000, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 11 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Commencement Information

- II** S. 60 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](#))

## 61 Special provisions about land.

- (1) For the purposes of this section these rights affecting land are relevant land rights—
- (a) a right of reverter (or in Scotland the right of the fiar on the termination of a liferent);
  - (b) a right of pre-emption;
  - (c) a right of forfeiture;
  - (d) a right of re-entry;
  - (e) a right of irritancy;
  - (f) an option;
  - (g) a right similar to anything falling within paragraphs (a) to (f).
- (2) No relevant land right is to operate or become exercisable as a result of a transfer of land—
- (a) under a transfer scheme,
  - (b) in consequence of anything done under Schedule 6, or
  - (c) pursuant to an obligation imposed by a provision included in a scheme by virtue of section 42(4)(a) or (b).
- (3) In the case of a transfer mentioned in subsection (2) a relevant land right is to have effect as if—
- (a) the person to whom the land is transferred were the same person in law as the person transferring the land, and
  - (b) no transfer of the land had taken place.
- (4) Subsection (5) applies if—
- (a) apart from subsections (2) and (3) a relevant land right would have operated in favour of a person or become exercisable by him, but
  - (b) the circumstances are such that in consequence of those subsections the right cannot subsequently operate in his favour or become exercisable by him (as the case may be).
- (5) In such a case just compensation is payable to him by the person to whom the land is transferred or the person transferring it (or both) in respect of the right's extinguishment.
- (6) A dispute about whether or how much compensation is payable or about the person to or by whom it is payable must be referred to and decided by—
- (a) an arbitrator appointed by the President of the Royal Institution of Chartered Surveyors (if the proceedings are to be held in England and Wales),
  - (b) an arbiter appointed by the Chairman of the Royal Institution of Chartered Surveyors in Scotland (if the proceedings are to be held in Scotland), or
  - (c) an arbitrator appointed by the [<sup>F1</sup>Chairman of the Royal Institution of Chartered Surveyors in Northern Ireland] (if the proceedings are to be held in Northern Ireland).

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- (7) If it appears to the person transferring the land that a person is or may be entitled to compensation he must—
- (a) notify that person in writing that he is or may be entitled, and
  - (b) invite him to make representations to the person transferring the land, and to do so not later than the expiry of the period of 14 days starting with the date of issue of the notification.
- (8) But if the person transferring the land is not aware of the name and address of the person concerned he must publish in such manner as he thinks appropriate a notice—
- (a) containing information about the right affected, and
  - (b) inviting any person who thinks he is or may be entitled to compensation to make representations to the person transferring the land, and to do so within the period (not less than 28 days starting with the date of publication of the notice) specified in the notice.
- (9) Subsections (2) and (3) apply in relation to the doing of any thing in relation to land (including the grant or creation of an estate or interest in it or right over it) as they apply in relation to a transfer of land; and a reference in this section to the person to whom the land is transferred or the person transferring it is to be construed accordingly.

#### Textual Amendments

- F1** Words in s. 61(6)(c) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 4 para. 294](#); [S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 11\(x\)](#)

#### Commencement Information

- I2** S. 61 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](#))

## 62 Exercise of functions through nominees.

- (1) The Treasury or the Secretary of State with the Treasury's approval may for the purposes of section 49, 50 or 58 appoint a person to act as the nominee, or one of the nominees, of the Treasury or the Secretary of State.
- (2) In accordance with directions given from time to time by the Treasury or by the Secretary of State—
- (a) securities may be issued under section 49 or 58 to a nominee of the Secretary of State appointed for the purposes of that section, and
  - (b) a nominee of the Treasury or the Secretary of State appointed for the purposes of section 50 may acquire securities under that section.
- (3) A person holding any securities as a nominee of the Treasury or the Secretary of State by virtue of this section must hold and deal with them (or any of them) on such terms and in such manner as may be specified in directions given by the Treasury or the Secretary of State.
- (4) A direction of the Secretary of State under subsection (2) or (3) requires the Treasury's consent.

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**Commencement Information**

- I3** S. 62 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](#))

**63 Further provisions about transfer schemes.**

Schedule 6 contains provisions about transfer schemes.

**Commencement Information**

- I4** S. 63 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](#))

**64 Tax.**

Schedule 7 contains provisions about tax.

**Commencement Information**

- I5** S. 64 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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