

SCHEDULES

SCHEDULE 5

SUPPLEMENTARY PROVISIONS ABOUT NUCLEAR TRANSFER SCHEMES

Supplementary provisions of schemes

- 6 (1) A nuclear transfer scheme may make incidental, supplemental, consequential and transitional provision in connection with the transfers to be made in accordance with the scheme.
- (2) Such provision may include different provision for different cases or different purposes.
- (3) In particular, a nuclear transfer scheme may make provision, in relation to transfers in accordance with the scheme—
- (a) for the transferee to be treated as the same person in law as the transferor;
 - (b) for agreements made, transactions effected or other things done by or in relation to the transferor to be treated, so far as may be necessary for the purposes of or in connection with the transfers, as made, effected or done by or in relation to the transferee;
 - (c) for references in an agreement, instrument or other document to the transferor or to an employee or office holder with the transferor to have effect, so far as may be necessary for the purposes of or in connection with any of the transfers, with such modifications as are specified in the scheme; and
 - (d) for proceedings commenced by or against the transferor to be continued by or against the transferee.
- (4) Sub-paragraph (3)(c) does not apply to references in an enactment or in subordinate legislation.
- (5) A nuclear transfer scheme may make provision for disputes as to the effect of the scheme—
- (a) between different transferees, or
 - (b) between a transferee and a transferor,
- to be referred to such arbitration as may be specified in or determined under the scheme.
- (6) Where a person is entitled, in consequence of a nuclear transfer scheme, to possession of a document relating in part to the title to land or other property in England and Wales, or to the management of such land or other property—
- (a) the scheme may provide for that person to be treated as having given another person an acknowledgement in writing of the right of that other person to production of the document and to delivery of copies of it; and

Status: This is the original version (as it was originally enacted).

- (b) section 64 of the Law of Property Act 1925 (c. 20) (production and safe custody of documents) shall have effect accordingly, and on the basis that the acknowledgement did not contain an expression of contrary intention.
- (7) Where a person is entitled, in consequence of a nuclear transfer scheme, to possession of a document relating in part to the title to land or other property in Scotland or to the management of such land or other property, subsections (1) and (2) of section 16 of the Land Registration (Scotland) Act 1979 (c. 33) (omission of certain clauses in deeds) shall have effect in relation to the transfer—
 - (a) as if the transfer had been effected by deed; and
 - (b) as if the words “unless specially qualified” were omitted from each of those subsections.
- (8) In this paragraph references to a transfer in accordance with a nuclear transfer scheme include references to the creation in accordance with such a scheme of an interest, right or liability.