

*Status: Point in time view as at 01/03/2008.*

*Changes to legislation: Offender Management Act 2007, Cross Heading: Property transfer schemes is up to date with all changes known to be in force on or before 28 July 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)*

## SCHEDULES

### SCHEDULE 2

#### TRANSFERS OF PROPERTY ETC AND STAFF IN CONNECTION WITH PROBATION SERVICES ARRANGEMENTS

##### *Property transfer schemes*

- 2 (1) The Secretary of State may make a scheme (“the scheme”) providing for—
- (a) the transfer to the Secretary of State of—
    - (i) the property and liabilities of a local probation board; or
    - (ii) any property or liabilities of a relevant person; or
  - (b) the transfer to a relevant person of any property or liabilities of the Secretary of State (whether or not after an initial transfer to him under paragraph (a)).
- (2) The scheme may—
- (a) create rights or interests, or impose liabilities or conditions, in relation to anything transferred or acquired by virtue of the scheme;
  - (b) provide for the Secretary of State or any other person nominated by or in accordance with the scheme to determine any matter requiring determination under or in consequence of the scheme;
  - (c) make supplementary, incidental, transitional and consequential provision.
- (3) Any property or liability that is the subject of the scheme is, by virtue of this paragraph, transferred at the time appointed by or under the scheme.
- (4) A certificate issued by the Secretary of State that any property or liability has, or has not, been transferred by virtue of the scheme is conclusive evidence of the transfer or the fact that it has not been transferred (as the case may be).

#### **Commencement Information**

**II** Sch. 2 para. 2 in force at 1.3.2008 by S.I. 2008/504, art. 2(b)

- 3 (1) This paragraph applies where a property transfer scheme is made.
- (2) The scheme has effect despite any provision, of whatever nature, which would otherwise prevent, penalise or restrict the transfer of anything that is the subject of the scheme.
- (3) A right of pre-emption, right of reverter or other similar right shall not operate or become exercisable as a result of any transfer of property by virtue of the scheme (but shall have effect after the transfer as if the transferee and the transferor were the same person and no transfer had taken place).
- (4) Such compensation as is just is to be paid to any person in respect of any right which would, apart from sub-paragraph (3), have operated in favour of, or become

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exercisable by, that person but which (in consequence of that sub-paragraph), cannot subsequently operate in his favour or become exercisable by him.

- (5) Any such compensation is to be paid by the transferor, by the transferee or by both.
- (6) The scheme may provide for the determination of disputes as to whether and, if so, how much compensation is to be paid and as to the person by whom or to whom it is to be paid.
- (7) This paragraph applies in relation to the creation of rights or interests, or the doing of anything else, in relation to property as it applies in relation to a transfer of property (and references to the transferor and transferee are to be read accordingly).

**Commencement Information**

**I2** Sch. 2 para. 3 in force at 1.3.2008 by S.I. 2008/504, art. 2(b)

- 4 (1) Anything done by or in relation to the transferor for the purposes of or in connection with anything transferred by a property transfer scheme which is in effect immediately before the transfer is to be treated as if done by or in relation to the transferee.
- (2) There may be continued by or in relation to the transferee anything (including legal proceedings) relating to anything so transferred which is in the process of being done by or in relation to the transferor immediately before it is transferred.
- (3) A reference to the transferor in any document relating to anything so transferred is to be taken (so far as necessary for the purposes of or in consequence of the transfer) as a reference to the transferee.
- (4) References in this paragraph to things done or being done by or in relation to the transferor include a reference to things treated by virtue of any Act or subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)) as done or being done by or in relation to the transferor.

**Commencement Information**

**I3** Sch. 2 para. 4 in force at 1.3.2008 by S.I. 2008/504, art. 2(b)

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