

SCHEDULES

SCHEDULE 3

TRANSFER SCHEMES

Property, rights and liabilities that may be transferred

- 2 (1) The property, rights and liabilities that may be transferred by a scheme include—
- (a) property, rights and liabilities that would not otherwise be capable of being transferred or assigned;
 - (b) property acquired in the period after the making of the scheme and before it comes into force;
 - (c) rights and liabilities arising in that period;
 - (d) rights and liabilities arising after the scheme comes into force in respect of matters occurring before it comes into force;
 - (e) rights and liabilities under an enactment or EU instrument.
- (2) A scheme may provide that transfers are to take effect irrespective of—
- (a) any requirement to obtain a person's consent or concurrence,
 - (b) any liability in respect of a contravention of another requirement, or
 - (c) any interference with an interest or right,
- which would otherwise apply.
- (3) Sub-paragraph (4) applies where a person would otherwise be entitled, in consequence of anything done, or likely to be done, in connection with a scheme—
- (a) to terminate, modify, acquire or claim an interest or right to which the transferor is entitled or subject, or
 - (b) to treat such an interest or right as modified or terminated.
- (4) That entitlement is enforceable in relation to the interest or right—
- (a) in consequence of what is done or likely to be done, and
 - (b) in corresponding circumstances arising after the transfer,
- to the extent only that the scheme provides for it to be so enforceable.