

## SIXTH SCHEDULE

### DISTRIBUTION OF COMMISSION'S UNDERTAKING

#### *Third parties affected by vesting provisions*

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- (1) Without prejudice to the provisions of the last foregoing paragraph, any transaction effected between the Boards in pursuance Of paragraph 1 of this Schedule not more than five years after the vesting date shall be binding on all other persons, and notwithstanding that it would, apart from this sub-paragraph, have required the consent or concurrence of any other person.
  - (2) It shall be the duty of the Boards who effect any transaction in pursuance of paragraph 1 of this Schedule to notify any person who has rights or liabilities which thereby become enforceable as to part by or against one Board and as to part by or against another Board, and if such a person applies to the Minister and satisfies him that the division or apportionment operated unfairly against him, the Minister may give such directions to the Boards as appear to him appropriate for varying the division or apportionment.
  - (3) It shall also be the duty of the Boards to notify any person who has rights or liabilities which become enforceable as to part by or against one Board and as to part by or against another Board in consequence of a direction given by the Minister under sub-paragraph (2) of paragraph 1 of this Schedule.
  - (4) If in consequence of the provisions of the principal sections and this Schedule, or of anything done in pursuance of those provisions, the rights or liabilities of any person other than a Board or the Holding Company or any subsidiary of a Board or of the Holding Company which were enforceable against or by the Commission become enforceable as to part against or by one Board and as to part against or by another Board, and the value of any property or interest of that person is thereby diminished, the Boards shall pay to that person such compensation as may be just, and any dispute as to whether and if so how much compensation is so payable, or as to the person to whom it shall be paid, shall be referred to and determined by an arbitrator appointed by the Lord Chancellor or, where the proceedings are to be held in Scotland, by an arbiter appointed by the Lord President of the Court of Session.
  - (5) A conveyance or transfer whereby a Board purport to transfer to some person other than a Board or the Holding Company for consideration any land or any other property which belonged to the Commission, or which is an interest in property which belonged to the Commission, shall be as effective as if all the other Boards had been parties to the conveyance or transfer and had thereby conveyed or transferred all their interest in the property conveyed or (transferred).
  - (6) If at any stage of any court proceedings which have been instituted before the vesting date or later, but not more than five years after the vesting date, and which are proceedings to which a Board and a person other than a Board are parties, it appears to the court that the issues in the proceedings depend on any demarcation of boundaries or division or apportionment under the principal sections or this Schedule which the Boards have not yet effected, or raise a question of construction on those provisions which would not arise if all the Boards constituted a single person, the court may if it thinks fit on the application of a parity to the proceedings other than a Board hear and determine the proceedings on the footing that the Board or Boards who are parties to the proceedings represent and are answerable for all the Boards, and that

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

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the Boards constitute a single person, and any judgment or order given by the court shall bind all the Boards accordingly.

- (7) It shall be the duty of each Board to keep any other of the Boards informed of any case where that other Board may be prejudiced by sub-paragraph (5) or sub-paragraph (6) of this paragraph, and if a Board claim that they have been so prejudiced and that some other Board ought to indemnify or make a payment to them on that account, and that the other Board have unreasonably failed to meet that claim, they may refer the matter to the Minister for determination by him.