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STATUTORY INSTRUMENTS

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**1997 No. 342 (S.25)**

**NEW TOWNS**

**The New Town (Livingston) (Transfer of Property, Rights and Liabilities) Order 1997**

<i>Made</i>	- - - -	<i>13th February 1997</i>
<i>Laid before Parliament</i>		<i>17th February 1997</i>
<i>Coming into force</i>	- -	<i>22nd March 1997</i>

The Secretary of State, in exercise of the powers conferred on him by section 36D of the New Towns (Scotland) Act 1968(1) and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the New Town (Livingston) (Transfer of Property, Rights and Liabilities) Order 1997 and shall come into force on 22nd March 1997.

(2) In this Order—

“the council” means the West Lothian Council being a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(2);

“the development corporation” means the Livingston Development Corporation established by the New Town (Livingston) (Development Corporation) Order 1962(3).

**Transfer of property, rights and liabilities to the council**

2. Any property, rights and liabilities of the development corporation shall transfer to and vest in the council on 22nd March 1997.

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(1) 1968 c. 16; section 36D was inserted by the Enterprise and New Towns (Scotland) Act 1990 (c. 35), section 33, and amended by Part I of Schedule 5 to that Act.

(2) 1994 c. 39.

(3) S.I.1962/1437, amended by the New Town (Livingston) (Development Corporation) Amendment Order 1970 and the New Town (Livingston) (Development Corporation) Amendment Order 1978. The 1970 and 1978 Amendment Orders are not statutory instruments: a copy of each Order is available free of charge from the Scottish Office Development Department, Victoria Quay, Edinburgh, EH6 6QQ.

### **Incidental and supplementary provisions**

3. Anything done before 22nd March 1997 by, or on behalf of, or in relation to, the development corporation for the purposes of or in connection with the property, rights and liabilities transferred by article 2 of this Order shall, on and after 22nd March 1997, be treated as having been done by, or on behalf of, or in relation to, the council; and, accordingly, without prejudice to that generality, on and after 22nd March 1997—

- (a) any legal proceedings by, or in relation to, the development corporation, or to which the development corporation is a party, for the purposes of, or in connection with, the said property, rights and liabilities may be continued by, or in relation to, the council; and, accordingly, references to the development corporation in any process or other document issued, prepared or employed for the purposes of any such proceedings before any court, tribunal or other body shall be taken as referring to the council;
- (b) every contract or agreement, whether written or not, to which the development corporation is a party for the purposes of, or in connection with, the said property, rights and liabilities shall have effect in relation to such property, rights and liabilities as if the council were the party thereto in place of the development corporation and as if for each reference therein to the development corporation there were substituted a reference to the council; and
- (c) every deed, bond, instrument and document relating to the said property, rights and liabilities shall have effect in relation to such property, rights and liabilities in respect of any time falling after the date of transfer, as if, where the development corporation is a party thereto, the council were substituted as that party and as if for each reference therein to the development corporation there were substituted a reference to the council.

4. For all purposes connected with, or arising subsequent to, the transfer to the council of the property, rights or liabilities transferred by article 2 of this Order, the council is to be treated in respect of the property, rights and liabilities so transferred as the same person in law as the development corporation.

5. Nothing in this Order shall have the effect of completing the title of the council to any land transferred by article 2 of this Order, but this is without prejudice to the provisions of section 36D(4) of the New Towns (Scotland) Act 1968.

St Andrew's House,  
Edinburgh  
13th February 1997

*George Kynoch*  
Parliamentary Under Secretary of State, Scottish  
Office

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order makes provision for the transfer of any property, rights and liabilities of the Livingston Development Corporation to the West Lothian Council on 22nd March 1997, in connection with the winding up of the Corporation.

Articles 3 to 5 specify certain incidental and supplementary provisions.