
STATUTORY INSTRUMENTS

1999 No. 1106

**CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND**

**The Transfer of Property etc. (Scottish
Parliamentary Corporate Body) Order 1999**

<i>Made</i>	- - - -	<i>10th April 1999</i>
<i>Laid before Parliament</i>		<i>13th April 1999</i>
<i>Coming into force</i>	- -	<i>1st June 1999</i>

The Secretary of State, in exercise of the powers conferred on him by sections 112(1), 113 and 116 of, and paragraph 2 of Schedule 2 to, the Scotland Act 1998⁽¹⁾, and of all other powers enabling him in that behalf, and considering it appropriate to do so to enable the Scottish Parliamentary Corporate Body to exercise its functions or to facilitate their exercise or in connection with their exercise or proposed exercise, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Transfer of Property etc. (Scottish Parliamentary Corporate Body) Order 1999 and shall come into force on 1st June 1999.

(2) In this Order—

“the Act” means the Scotland Act 1998;

“the Parliament” means the Scottish Parliament established by section 1 of the Act; and

“the Parliamentary corporation” means the Scottish Parliamentary Corporate Body established by section 21 of the Act.

Transfer of land and corporeal moveable property

2. There are hereby transferred to and vested in the Parliamentary corporation all rights and interests belonging to a Minister of the Crown or government department in any land and corporeal moveable property which is, immediately before the coming into force of this Order, held or used wholly or mainly—

(a) for the purposes of the Parliament; or

(1) 1998 c. 46.

- (b) for or in connection with any function of the Parliamentary corporation.

Transfer of other rights and interests and liabilities

3.—(1) There are hereby transferred to and vested in the Parliamentary corporation any rights and interests belonging to a Minister of the Crown or government department (other than a right or interest in land or corporeal moveable property) so far as those rights or interests relate to—

- (a) any property transferred by article 2; or
- (b) the Parliament or any function of the Parliamentary corporation.

(2) There are hereby transferred to and vested in the Parliamentary corporation any liabilities to which a Minister of the Crown or government department is subject so far as those liabilities relate to any property transferred to the Parliamentary corporation by this Order.

(3) In the case of any rights or interests to which this article applies which relate to other functions as well as functions of the Parliamentary corporation, the Secretary of State may determine the extent to which those rights or interests transfer to the Parliamentary corporation.

Determination of disputes

4.—(1) Any question as to whether or to what extent any property or liability transfers to the Parliamentary corporation by virtue of this Order shall be determined by the Secretary of State.

(2) Any dispute as to—

- (a) whether any and, if so, how much, compensation is payable by virtue of section 116(7) of the Act as a result of any transfer of property by this Order; and
- (b) the person to whom or by whom such compensation shall be paid,

shall be referred to and determined by an arbiter appointed by the Lord President of the Court of Session.

Consequential and supplementary provision

5.—(1) So far as may be necessary in consequence of the transfer of any property or liability to the Parliamentary corporation by this Order, references to a Minister of the Crown or government department in any enactment or prerogative instrument, and in any other instrument or document, shall be read as if they were or included references to the Parliamentary corporation.

(2) Nothing in this Order shall have the effect of completing the title of the Parliamentary corporation to any land transferred by this Order, or to any other right or interest transferred by this Order title to which requires to be completed by registration for the purpose of making it a real right.

(3) Any property, in respect of which but for this Order—

- (a) delivery or possession; or
- (b) intimation of its assignation,

would be required in order to complete title to it, shall transfer to and vest in the Parliamentary corporation by virtue of this Order as if at the date on which the transfer of the property by this Order takes effect the Parliamentary corporation had taken delivery or possession of the property or had made intimation of its assignation to it, as the case may be.

Transitional and saving provision

6.—(1) The transfer by this Order of any property or liability of a Minister of the Crown or government department shall not affect the validity of anything done (or having effect as if done)

by or in relation to a Minister of the Crown or government department before the date on which the transfer takes effect.

(2) Anything (including legal proceedings) which, at the time when the transfer takes effect, is in the process of being done by or in relation to a Minister of the Crown or government department may, so far as it relates to any property or liability transferred by this Order, be continued by or in relation to the Parliamentary corporation.

(3) Anything done (or having effect as if done) by or in relation to a Minister of the Crown or government department in connection with any property or liability transferred to the Parliamentary corporation by this Order shall, if in force at the time when the transfer takes effect, have effect as if done by or in relation to the Parliamentary corporation in so far as that is required for continuing its effect after that time.

St Andrew's House,
Edinburgh
10th April 1999

Henry McLeish
Minister of State, Scottish Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note does not form part of the Order)

This Order provides for the transfer of certain property and liabilities of Ministers of the Crown and government departments to the Scottish Parliamentary Corporate Body (SPCB) established by section 21 of the Scotland Act 1998 (c. 46) for the purposes of the Scottish Parliament or otherwise in connection with SPCB's functions.

Article 2 transfers to the Scottish Ministers all rights and interests of a Minister of the Crown or government department in any land and corporeal moveable property which is held or used wholly or mainly—

- (a) for the purposes of the Scottish Parliament; or
- (b) for or in connection with the SPCB's functions.

Article 3 provides for the transfer of other rights and interests, and of liabilities, of Ministers of the Crown and government departments, so far as relating to rights and interests transferred by article 2 or so far as relating to the Parliament or any function of the SPCB.

Article 4 makes provision as to the determination of questions as to whether or what extent properties and liabilities are transferred by the Order and of disputes concerning compensation which may be payable under section 116(7) of the 1998 Act by virtue of transfers of property under this Order.

Articles 5 and 6 make consequential, transitional and saving provision.