
STATUTORY INSTRUMENTS

2002 No. 366

The Bitton Railway Order 2002

PART III

MISCELLANEOUS AND GENERAL

Transfer of railway

11.—(1) In this article—

“the transferee” means any person to whom the undertaking or any part of it, is leased or sold pursuant to this article;

“the transferred undertaking” means so much of the undertaking as is leased or sold pursuant to this article; and

“the undertaking” means—

- (a) the railway, as defined by article 2 of the 1991 Order; and
- (b) the railway, as defined by article 2(1) above.

(2) The undertaker may, with the consent in writing of the Secretary of State—

- (a) lease the undertaking, or any part of it, to any person; or
- (b) sell the undertaking, or any part of it, to any person;

on such terms and conditions as may be agreed between the undertaker and the transferee.

(3) Except as may be otherwise provided in this Order, the transferred undertaking shall continue to be subject to all statutory or other provisions applicable to the transferred undertaking at the date of the lease or sale (in so far as the same are still subsisting and capable of taking effect) and the transferee shall, to the exclusion of the undertaker, be entitled to the benefit of, and to exercise, all rights, powers and privileges, and be subject to all obligations, statutory or otherwise relating to the transferred undertaking (in so far as the same are still subsisting and capable of taking effect) to the intent that the undertaker shall be released from all such obligations.

(4) Paragraph (3) above shall have effect during the term of any lease granted under paragraph (2) (a) above and from the operative date of any sale under paragraph (2)(b) above.