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WELSH STATUTORY INSTRUMENTS

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**2019 No. 1132**

**The Cardiff and Valleys Railways (Transfer) Order 2019**

**Further transfer of railways by undertaker**

4.—(1) In this article—

“lease” (“*prydles*”) includes an underlease and “lease” (“*prydlesu*”) where used as a verb is to be construed accordingly;

“the transferee” (“*y trosglwyddai*”) means any person to whom the railways, or any part of them, are leased or sold under the powers conferred by this article;

“the transferred undertaking” (“*yr ymgymeriad a drosglwyddir*”) means so much of the railways as is leased or sold under the powers conferred by this article.

(2) Subject to paragraph (3), any time after the relevant date the undertaker may, with the consent of the Welsh Ministers, sell or lease the transferred railways or any part of them to any person on such terms and conditions as may be agreed between the undertaker and that person.

(3) The Welsh Ministers’ consent is not required under paragraph (2) if it is proposed to lease the transferred railways or any part of them to one or both of the companies.

(4) Except as may be otherwise provided in this Order—

(a) the transferred undertaking continues to be subject to all statutory and other provisions applicable to it at the date of the lease or sale (in so far as those provisions continue in force and are capable of taking effect),

(b) the transferee is, to the exclusion of the undertaker, entitled to the benefit of, and to exercise, all rights, powers and privileges relating to the transferred undertaking, and

(c) the exercise by the transferee of the powers of any enactment is subject to the same obligations, statutory or otherwise, as would apply if those powers were exercised by the undertaker.

(5) Paragraph (4) has effect during the term of any lease granted, and from the operative date of any sale, under the powers conferred by this article.