

SCHEDULES

SCHEDULE 2

PROVISIONS SUPPLEMENTAL TO SECTION 25

Incidental and transitional provisions

- 4 (1) For the purpose of securing (subject to sub-paragraph (3) below) that the Commission continues to carry on the same activities after the time when section 25 of this Act comes into force as it was carrying on immediately before that time, sub-paragraph (2) below shall apply to the following functions of the Commission, that is to say—
- (a) the powers which immediately before that time were exercisable by the Commission for the purposes of, or in connection with, the performance of the duty which by virtue of that section is transferred from the Commission to the Secretary of State;
 - (b) the powers and duties which immediately before that time were exercisable, or fell to be performed, by the Commission under any arrangements for the carrying out by the Commission of any functions on behalf of a Minister of the Crown; and
 - (c) the powers which immediately before that time were exercisable by the Commission and which are transferred from the Commission to the Secretary of State by virtue of paragraphs 1 and 2(3) above.
- (2) So far as necessary for the purpose mentioned in sub-paragraph (1) above, the functions to which this sub-paragraph applies shall continue to be exercisable or performed by the Commission after the coming into force of section 25 of this Act as if the Commission had been authorised or, in the case of any duties, directed by the Secretary of State to carry out those functions under section 2 or, as the case may require, section 3 of the 1973 Act.
- (3) The power of the Secretary of State to revoke or vary an authorisation or direction given by him under section 2 or 3 of the 1973 Act shall apply to any authorisation or direction that is deemed by virtue of this paragraph to have been given under that section.
- 5 (1) The Secretary of State may, with the consent of the Treasury, by order transfer to the Commission—
- (a) any interest of the Crown or a government department in any land which, in the opinion of the Secretary of State, is occupied by him or the Commission for the purpose of carrying out any functions conferred or imposed by or under the 1973 Act or any other enactment or otherwise; and
 - (b) any rights or liabilities to which the Crown or a government department is entitled or subject in connection with such an interest.
- (2) The Secretary of State may, with the consent of the Treasury, by order transfer to himself—

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

- (a) any interest of the Commission in any land which, in the opinion of the Secretary of State, is or has been occupied by the Commission for the purpose mentioned in sub-paragraph (1) above; and
 - (b) any rights or liabilities to which the Commission is entitled or subject in connection with such an interest.
- 6 (1) The Secretary of State may by order make such incidental and transitional provision as he considers appropriate for the purposes of, or in connection with—
 - (a) the giving to the Commission of any authorisation or direction under section 2 or 3 of the 1973 Act;
 - (b) the revocation or variation of any authorisation or direction under the said section 2 or 3, or of any authorisation or direction which is deemed by virtue of paragraph 4 above to have been given under the said section 2 or 3;
 - (c) the termination or variation at any time before the coming into force of this paragraph of any arrangements for the carrying out by the Commission of any functions on behalf of a Minister of the Crown;
 - (d) the making by the Secretary of State at any time before the coming into force of this paragraph of any arrangements under subsection (4) of the said section 3, as that section had effect before the substitutions made by section 25 of this Act.
- (2) Without prejudice to the generality of sub-paragraph (1) above, an order under this paragraph may provide—
 - (a) for the transfer of property (other than land), and of rights and liabilities, from a Minister of the Crown to the Commission or from the Commission to a Minister of the Crown; and
 - (b) for things done, or in the process of being done, by or in relation to a Minister of the Crown or the Commission (including, in particular, agreements and legal proceedings) to be treated as done, or to be continued, by or in relation to the person to whom any property, rights or liabilities are transferred by the order.
- 7 The power to make an order under paragraph 5 or 6 above shall be exercisable by statutory instrument.