SCOTTISH STATUTORY INSTRUMENTS

2002 No. 263

TRANSPORT

The Scottish Transport Group (Dissolution) Order 2002

Made - - - -	*5th June 2002*
Coming into force - -	*7th June 2002*

The Scottish Ministers, in exercise of the powers conferred by section 14(1), (2) and (3) of the Transport (Scotland) Act 1989(**1**) and all other powers enabling them in that behalf and it appearing to them that the Scottish Transport Group have implemented the principal elements of the disposal programme and that the shipping companies have been transferred, in accordance with that Act, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Scottish Transport Group (Dissolution) Order 2002 and shall come into force on 7th June 2002.

Dissolution

2.—(1) On 7th June 2002 the Scottish Transport Group (referred to in this Order as the Group) shall be dissolved.

(2) The date referred to in paragraph (1) is in the following provisions of this Order referred to as the "abolition date".

Transfer of property, rights and liabilities

3.—(1) On the abolition date there shall be transferred to the Scottish Ministers all such property, rights and liabilities (whether or not of such a nature that they could be assigned by the Group) as immediately before the abolition date belonged to or were incumbent upon the Group.

(2) Where immediately before the abolition date there is in force an agreement which confers or imposes on the Group any rights or liabilities which are transferred to the Scottish Ministers by virtue of paragraph (1) above, that agreement shall have effect on and after that date as if–

(a) the Scottish Ministers had been a party to the agreement;

(**1**) 1989. c.23. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(b) for any reference (in whatever terms and whether expressly or by implication) to the Group there were substituted, in relation to anything falling to be done on or after that date, a reference to the Scottish Ministers; and

(c) for any reference (in whatever terms and whether expressly or by implication) to an officer or employee of the Group, not being a party to the agreement and beneficially interested in it, there were substituted, in relation to anything falling to be done on or after that date, a reference to such a person as the Scottish Ministers may appoint.

(3) Paragraph (2) above shall, as far as applicable, apply in relation to any provision of an instrument or other document, not being an agreement to which the Group was a party, if and in so far as the provision in question relates to any of the transferred rights and liabilities, as it applies in relation to an agreement to which the Group was a party.

(4) Where any right or liability is transferred to the Scottish Ministers by virtue of this Order, they and all other persons shall, on and after the abolition date, have the same rights, powers and remedies (in particular, the same rights as to the taking or resisting of legal proceedings) for ascertaining, perfecting or enforcing that right or liability as they would have had if it had at all times been a right or liability of the Scottish Ministers and any legal proceedings by or against the Group which relate to any property, right or liability transferred to the Scottish Ministers by virtue of this Order, and are pending immediately before the abolition date, may be continued on and after that date by or against the Scottish Ministers.

(5) Nothing in paragraphs (2) to (4) above, shall be taken as prejudicing the general effect of paragraph (1); and paragraphs (2) and (3) above shall have effect for the interpretation of agreements and other documents subject to context, and shall not apply where the context otherwise requires.

Final accounts

4.—(1) John Stark C.A.A., C.M.A., F.C.T. of 94/4 Whitehouse Loan, Edinburgh shall prepare a statement of the Group's accounts for the period ("the final period") from the end of that dealt with in the last annual statement of accounts sent by the Group to the Scottish Ministers under section 24(3) of the Transport Act 1962(**2**) down to the abolition date.

(2) The statement shall be in such form and contain such particulars, and be compiled in such manner, as directed in the Scottish Transport Group (Accounts) Direction of 13th March 2002.

(3) The Scottish Ministers shall arrange for the accounts of the Group for the final period to be audited by auditors appointed by them.

(4) As soon as the accounts of the final period have been audited, the person mentioned in paragraph (1) above shall send to the Scottish Ministers a report of the exercise and performance by the Group of their functions during any period not dealt with in the reports made by the Group under section 27(8) of the Transport Act 1962.

Consequential amendment and repeals

5.—(1) In paragraph 31(4) of Schedule 3 to the Transport Act 1981(**3**) the word "and" shall be inserted after the words "British Waterways Board", and the words "and, the Scottish Transport Group" shall be omitted.

(2) The enactments mentioned in columns 1 and 2 of the Schedule to this Order are hereby repealed to the extent specified in column 3 of that Schedule.

(**2**) 1962 c. 46.
(**3**) 1981 c. 56.

St Andrew's House,Edinburgh
5th June 2002

LEWIS MACDONALD
Authorised to sign by the Scottish Ministers