

FIRE AND RESCUE SERVICES, ENGLAND

TRANSFER SCHEMES

The Policing and Crime Act 2017 Essex Fire Authority Property Transfer Scheme 2017

The Secretary of State in exercise of the powers conferred by section 4C of the Fire and Rescue Services Act 2004(a), makes the following Transfer Scheme.

The Secretary of State has made an order under section 4A of the Fire and Rescue Services Act 2004(b).

Citation, commencement and application

1.—(1) This Scheme may be cited as the Policing and Crime Act 2017 Essex Fire Authority Property Transfer Scheme 2017 and comes into effect on 1st October 2017.

(2) This Scheme is made in connection with the abolition of the Essex Fire Authority (c).

(3) This Scheme does not transfer any rights or liabilities under or in connection with a contract of employment, a staff secondment or loan agreement, or a contract for the provision of the services of an agency worker, independent contractor or consultant.

Interpretation

2. In this Scheme—

(a) “property, rights and liabilities” does not include rights and liabilities in relation to contracts of employment, staff secondment or loan agreements, or contracts for the provision of the services of agency workers, independent contractors or consultants; and

(b) “the transfer date” means 1st October 2017.

Transfer of property, rights and liabilities

3. All property, rights and liabilities which immediately before 1st October 2017 were property, rights and liabilities of the Essex Fire Authority transfer to, and by virtue of this paragraph vest in, the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority on the transfer date.

Continuity

4.—(1) Any act or omission before the transfer date of, or in relation to, the Essex Fire Authority in respect of any property, right or liability transferred under paragraph 3, which was enforceable by or against the Essex Fire Authority immediately before the transfer date, is, on the transfer date, to transfer to the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority.

(a) 2004 c. 21. Section 4C was inserted by section 6 of, and paragraphs 1 and 5 of Schedule 1 to, the Policing and Crime Act 2017 (c. 3).

(b) Section 4A was also inserted by section 6 of, and paragraphs 1 and 5 of Schedule 1 to, the Policing and Crime Act 2017. The relevant order is S.I. 2017/864.

(c) See article 17 of S.I. 2017/864.

(2) Anything (including the conduct of legal proceedings) which, on the transfer date, is in the process of being done by, or in relation to, the Essex Fire Authority in respect of any property, right or liability transferred under paragraph 3, is deemed to have effect as if done by, or in relation to, the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority.

(3) Any reference to the Essex Fire Authority in any contract or agreement (whether written or not), instrument or other document in respect of any property, right or liability transferred under paragraph 3 is to be treated as a reference to the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority.

Transfers: supplementary

5.—(1) All property, rights and liabilities transferred by this Scheme are to be transferred by that transfer, notwithstanding that they may be or include—

- (a) property, rights and liabilities that would not otherwise be capable of being transferred; or
- (b) rights and liabilities under enactments.

(2) No right of reverter, right of pre-emption, right of forfeiture, right of re-entry, right to compensation, option or similar right affecting any land or other property is to operate or become exercisable as a result of any transfer of land or other property by virtue of this Scheme (whether or not any consent required to the transfer has been obtained).

(3) No right to terminate or vary a contract or instrument is to operate or become exercisable, and no provision of a contract or any other relevant document, is to operate or become exercisable or be contravened, by reason of the transfer made by this Scheme.

(4) Sub-paragraphs (1) to (3) above have effect in relation to—

- (a) the grant or creation of an estate or interest in, or right over, any land or other property; or
- (b) the doing of any other thing in relation to land or other property,

as they have effect in relation to the transfer made by this Scheme of land or other property.

(5) In this paragraph “relevant document” means—

- (a) an enactment;
- (b) a deed or other instrument.

Modification of Scheme

6.—(1) This Scheme may be modified by agreement after it comes into effect in accordance with this paragraph.

(2) Any modification must be agreed by—

- (a) the Secretary of State; and
- (b) the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority.

(3) A modification may take effect from any date on or after the transfer date.

6/9/2017

Home Office



Minister of State