STATUTORY INSTRUMENTS

2014 No. 217

URBAN DEVELOPMENT, ENGLAND

The West Northamptonshire Development Corporation (Transfer of Property, Rights and Liabilities) Order 2014

Made - - - -	*4th February 2014*
Laid before Parliament	*10th February 2014*
Coming into force - -	*27th March 2014*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 165A(1) and (4); and 165B(1) and (4) of the Local Government, Planning and Land Act 1980(**a**).

In accordance with sections 165A(3) and 165B(5) of that Act the Secretary of State has consulted Northamptonshire County Council, South Northamptonshire Council, Daventry District Council and Northampton Borough Council (being the local authorities in whose area the relevant urban development area is situated).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the West Northamptonshire Development Corporation (Transfer of Property, Rights and Liabilities) Order 2014 and shall come into force on 27th March 2014.

(2) In this Order—

"the Borough Council" means Northampton Borough Council;

"commencement date" means the date on which this Order comes into force;

"the Corporation" means the West Northamptonshire Development Corporation; and

"retained list" means the document "Property, rights and liabilities retained by the West Northamptonshire Development Corporation for the purposes of preparing its final accounts and report and winding up its affairs" dated 3rd February 2014, a copy of which has been deposited in the offices of the Secretary of State(**b**).

Transfer of land

2.—(1) The interests in land held by the Corporation which are specified in Columns 1 and 2 of Schedule 1 are transferred to the person specified in Column 3 of that Schedule.

(2) Any interest in land which is—

(**a**) 1980 c. 65. Section 165A was inserted by the Leasehold Reform, Housing and Urban Development Act 1993(c.28) and sub-section (1) was amended by section 143(4) of the Housing Grants, Construction and Regeneration Act 1996(c. 53). Section 165B was inserted by sections 143(1) of the Housing Grants, Construction and Regeneration Act 1996.

(**b**) The document is available for inspection at the following address: The Department for Communities and Local Government, Eland House, Bressenden Place, London SW1E 5DU.

(a) held by the Corporation immediately before the commencement date, and

(b) not transferred by virtue of paragraph (1),

is transferred to the Borough Council.

(3) Paragraph (2) does not apply to any interest in land specified in the retained list.

(4) A transfer of an interest in land under this article includes all rights and liabilities which the Corporation has in relation to that land.

(5) The rights and liabilities mentioned in paragraph (4) include (but are not limited to) any leases, tenancies, licences, agreements, planning agreements, infrastructure agreements, options to purchase, agreements for disposal, easements, wayleaves, development agreements, building contracts, appointments and encumbrances on title.

Transfer of contracts and agreements

3.—(1) All rights and liabilities held by the Corporation under the contracts and agreements specified in Columns 1 to 3 of Schedule 2 are transferred to the person specified in Column 4 of that Schedule.

(2) Any rights and liabilities under contracts and agreements which are—

(a) held by the Corporation immediately before the commencement date, and

(b) not transferred by virtue of paragraph 1 or article 2,

are transferred to the Borough Council.

(3) Paragraph (2) does not apply to any rights and liabilities which are—

(a) specified in the retained list; or

(b) held by the Corporation in relation to a contract of employment or a pension scheme.

Transfer of remaining property, rights and liabilities to the Secretary of State

4.—(1) All property, rights and liabilities which are—

(a) vested in the Corporation immediately before the commencement date, and

(b) not transferred by virtue of article 2 or 3,

are transferred to the Secretary of State.

(2) Paragraph (1) does not apply to any property, rights and liabilities specified in the retained list.

(3) Any property, rights and liabilities remaining vested in the Corporation immediately before the dissolution date are transferred to the Secretary of State on that date.

(4) In this article "dissolution date" means the date on which the Corporation is dissolved by order under section 166(1)(**a**) of the Local Government, Planning and Land Act 1980.

Further provision on transfers

5. A transfer under this Order operates in relation to property, rights and liabilities—

(a) whether or not they would otherwise be capable of being transferred;

(b) without any instrument or formality being required; and

(c) irrespective of any requirement for consent that would otherwise be required.

Signed by the Secretary of State for Communities and Local Government

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(**a**) Section 166(1) was amended by section 180 of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28).

Eric Pickles
Secretary of State
4th February 2014 Department for Communities and Local Government

SCHEDULE 1

Article 2

Land

Description of interest in land	*Title number (if applicable)*	*Transferee*
Freehold interest in land at St Peters Waterside, Northampton	NN318752	Northampton Borough Council
Freehold interest in land at South Bridge Road, Northampton	NN287263	Northampton Borough Council
Freehold interest in land on the east side of Cotton End, Northampton	NN319980	Northamptonshire County Council
Freehold interest in land on the west side of Nene Valley Way, Northampton	NN319981	Northamptonshire County Council
Freehold interest in land on the east side of Nene Valley Way, Northampton	NN319982	Northamptonshire County Council
Freehold interest in land on the west side of Houghton Land, Great Houghton, Northampton	NN319983	Northamptonshire County Council
Leasehold interest under a lease dated 9th July 1990 granted to Geismar (UK) Limited in relation to land on part of former railway line, Northampton	N/A	Northamptonshire County Council
The interest in the compound licence entered into with Northamptonshire County Council on 24th June 2013 in relation to land at Black Lion Hill, Northampton	N/A	Northampton Borough Council
The interest in the licence entered into with the National Grid on 20th October 2013 in relation to land at Tanner Street	N/A	Northampton Borough Council
The interest referred to in the compound licence entered into with University of Northampton on 24th January 2014 in relation to land at St Peters Waterside	N/A	Northampton Borough Council
The interest referred to in the licence dated 20th January 2014 from Avon Cosmetics Limited to enable the Corporation to have access to the land in order to carry out highways works	N/A	Northampton Borough Council

SCHEDULE 2

Article 3

Contracts and agreements

Date of contract or agreement	*Description*	*Other parties*	*Transferee*
25th January 2013	Funding and freehold transfer agreement relating to Innovation Centre, St Peters Waterside	University of Northampton	Northampton Borough Council
15th November 2012	Asset Protection Agreement, St Peters Waterside	Anglian Water Services Limited	Northampton Borough Council
13th November 2012	Agreement relating to CPO, Avon Nunn Mills	Homes and Communities Agency	Northampton Borough Council
15th November 2012	Asset Protection Agreement, Avon Nunn Mills	Anglian Water Services Limited	Northampton Borough Council
22nd November 2012	Compromise Agreement, Avon Nunn Mills	Avon Cosmetics Limited, University of Northampton, George Wimpey East Midlands Limited and Persimmon Homes Limited	Northampton Borough Council
4th January 2013	Agreement relating to CPO at Avon Nunn Mills	Bisney Oriental Limited	Northampton Borough Council
19th November 2012	Agreement relating to CPO	Northampton Borough Council	Northampton Borough Council
6th March 2012	Funding agreement relating to Greyfriars Bus Station	Northampton Borough Council	Northampton Borough Council
16th May 2013	Implementation Agreement, Northampton Castle Station	Network Rail	Northamptonshire County Council
31st March 2011	Daventry iCon (Master Agreement) and related novation and deed of covenant	iCon East Midlands, University of Northampton, East Midlands Development Agency	The Secretary of State
14th November 2012	Daventry University Technical College Capital Programme Funding Agreement	Northamptonshire County Council	Daventry District Council
25th February 2010	New Daventry Library Agreement	Northamptonshire County Council	Daventry District Council
19th December 2008	Moat Lane, Towcester – Funding Agreement	South Northamptonshire Council	South Northamptonshire Council

4th December 2008	ERDF and Single Programme Combined Funding Agreement for IHub Building, Daventry	East Midlands Development Agency	The Secretary of State
16th June 2011	3D Modelling Agreement	Ove Arup & Partners Limited	Northampton Borough Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order transfers the property, rights and liabilities of the West Northamptonshire Development Corporation ("the Corporation") to the specified local authorities and the Secretary of State.

Article 4 provides that any property, rights and liabilities of the Corporation which are not transferred elsewhere under the Order are transferred to the Secretary of State when the order comes into force, except for the matters listed in the retained list which are the property, rights and liabilities which the Corporation needs to discharge its remaining functions. The effect of Article 4(2) is to transfer all those matters and any other property, rights and liabilities remaining vested in the Corporation (including those held by the Corporation in relation to a contract of employment or a pension scheme) to the Secretary of State when the Corporation is dissolved.

It is proposed that the Corporation will be dissolved on 31st July 2014.

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