

DRAFT - SUBJECT TO CONTRACT
DOCUMENT "N" - TRANSFER SCHEME

TRANSFER SCHEME
OF
THE DIRECTOR OF PASSENGER RAIL FRANCHISING
MADE PURSUANT TO SECTION 86(1) OF
THE RAILWAYS ACT 1993

IN FAVOUR OF

[SUCCESSOR OPERATOR]

IN RESPECT OF
CERTAIN PROPERTY, RIGHTS AND LIABILITIES
OF
LTS RAIL LIMITED
ON [DATE]

Strategic Rail Authority
55 Victoria Street
London
SW1H 0EU

Transfer Scheme

Whereas:

- (A) **LTS Rail Limited** (the "Transferor") has been providing certain services for the carriage of passengers by railway and operating certain stations and light maintenance depots pursuant to a franchise agreement with the Director of Passenger Rail Franchising (the "Franchising Director") dated [DATE] (the "Franchise Agreement").
- (B) The Franchise Agreement terminated or is to terminate on [DATE] and [**Successor Operator**] (the "Transferee") is to continue the provision of all or part of such services or the operation of all or some of such stations and light maintenance depots under a new franchise agreement or in connection with the performance or exercise of the Franchising Director's duties and powers under Part I of the Railways Act 1993 (the "Act") to secure the provision of such services or the operation of such stations or light maintenance depots.
- (C) Certain property, rights and liabilities of the Transferor which were designated as franchise assets for the purpose of the Franchise Agreement are to be transferred to the Transferee under a transfer scheme made by the Franchising Director under section 86(1) of the Act.

The Franchising Director, in exercise of the powers conferred on him by section 86(1) of the Act, hereby makes the following scheme:-

1 Definitions and Interpretation

In this Transfer Scheme "function" and "statutory provision" have the meanings ascribed to such terms in the Act.

2 Transfer of Property, Rights and Liabilities

The property, rights and liabilities of the Transferor specified or described in the Schedule shall be transferred to, and vest in, the Transferee.

3 Statutory Functions

Subject to any amendment to the relevant statutory provisions which comes into force on or after the date on which this Transfer Scheme is made, there shall be transferred to the Transferee all the functions of the Transferor under any statutory provisions if and to the extent that any such statutory provision:-

- (a) relates to any part of the Transferor's undertaking, or to any property, which is to be transferred by this Transfer Scheme; or
- (b) authorises the carrying out of works designed to be used in connection with any such part of the Transferor's undertaking or the acquisition of land for the

purpose of carrying out any such works.

4 Supplemental Agreement

Each of the Transferor and the Transferee shall enter into [the Supplemental Agreement (as defined in the Franchise Agreement)] on the coming into force of this Transfer Scheme.

This Transfer Scheme is made by the Franchising Director on [DATE]

The corporate seal of
the Director of Passenger Rail
Franchising
hereunto affixed
is authenticated by:-

Authorised by the Director of Passenger Rail Franchising

Schedule

[LIST RELEVANT FRANCHISE ASSETS TO BE TRANSFERRED TO SUCCESSOR OPERATOR]